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Cambodia

## The Washington Merry-Go-Round

THE WASHINGTON POST

Thursday, May 14, 1970

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## Thrust Into N. Vietnam Held U.S. Ace

By Jack Anderson

It may be denied because of the antiwar ferment, but President Nixon has on his desk detailed contingency plans calling for U.S. ground troops to cross into North Vietnam if Hanoi should attempt to break through the demilitarized zone.

This daring move is part of the military action that possibly would be taken if the North Vietnamese should threaten the orderly withdrawal of American troops from South Vietnam. The President is prepared to conduct elaborate, Cambodian-style forays across the North Vietnamese border to knock out enemy communications, supply and staging centers.

This is what he must have had in mind, say insiders, when he told a press conference last week. "If the North Vietnamese did what some have suggested they might do—move a massive force of 250,000 to 300,000 across the DMZ against our Marine Corps people who are there—I would certainly not allow those men to be massacred without using more force and more effective force against North Vietnam."

Later in the press conference, he added significantly that the Cambodian action "puts the enemy on warning that if it escalates while we are trying to de-escalate,

that we will move decisively and not step by step."

## Protests Stun President

The intensity of the antiwar protests, however, may deter the President. Those who consulted with him on the Cambodian operation say he was prepared to take bolder action if the public-opinion polls had showed he had popular support. Conversely, the antiwar frenzy has stunned the President and may persuade him to pull his punches.

Another military move that has been taken up with the President is a thrust into Laos to cut off the North Vietnamese supply lines that wind through Laos down the Ho Chi Minh network of trails. But this proposal has been largely ruled out, say insiders, because of the difficult terrain and the dubious prospects.

Meanwhile, it is apparent that the Cambodian action isn't going to destroy COSVN, the supreme Communist military headquarters, which the President said was the primary target of the invasion.

The President is furious with the Joint Chiefs for misleading him about the possibility of destroying COSVN. They visualized the enemy command center, apparently, as a jungle version of their own elaborate, Pentagon-style headquarters. Their attacks upon the Communist infrastructure, they felt, had large-

ly destroyed the underground network and compelled the North Vietnamese to return to conventional logistics.

But other intelligence specialists had warned that COSVN, like a floating crap game, could be folded up quickly and re-established later in some other jungle hideout. The Communists' guerrilla style of warfare, not unlike that used by our own forefathers to wrest independence from the British, still confounds those who fight by the book.

## Behind the Scenes

**Campus Agitators** — Secret films of the recent violence on some campuses reveal that the hard-core militants, who shouted the loudest for blood, quietly pulled back when the violence erupted. These professional agitators, apparently, are adept at ducking out on the violence they stir up. In this way, they can avoid arrests and move on to other campuses. Only the suckers get hurt.

**Troop Withdrawals** — President Nixon has carefully emphasized how many troops he expects to withdraw from Vietnam, not how many he intends to leave behind. His secret plans call for continuing the pullout until the U.S. force is down to about 60,000 men. They will remain to furnish air, artillery and logistical support for the South Vietnamese until a settlement is reached.

**Thurmond's Tux** — Stern,

erect Senator Strom Thurmond (R-S.C.) picked up an unexpected anecdote for the law-and-order speeches he intended to deliver in South Carolina last week. He packed his tux and an extra suit and locked them in his car while he attended a patriotic rally in downtown Washington. When he returned, thieves had broken into his car and made off with the Senator's fancy tux and suit.

**Real Martha Mitchell** — Martha Mitchell's dipped-in-curare verbal darts are surprising to those who remember her as a southern belle back in Arkansas. They describe her as a "typical flower of the South," a pretty, smiling girl who seldom raised her voice above a delightful drawl. Attorney General John Mitchell married her in Elkton, Md., an elopement center, a few days after his divorce from his first wife became final.

**Northern Segregation** — The Health, Education and Welfare Department is quietly preparing to go ahead with its new mandate to enforce school integration in the North. J. Stanley Pottinger, the new civil rights director, has called a conference of his key people in Denver this month to lay out the strategy. Meanwhile, 77 per cent of the nation's black children still attend predominately black schools.

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4. [REDACTED] Briefed Ed Braswell, Chief of Staff of the Senate Armed Services Committee, on recent developments regarding SA-3 deployment in Egypt, TU-95 flights to Cuba, Soviet OB in the Far East, and status of Foxbat.

Braswell said it would be helpful if Senator Stennis could have, for use in the floor debate, unclassified facts and figures regarding major Soviet weapons programs, i.e., missiles, aircraft, submarines. I pointed out our difficulties in providing unclassified material, but Braswell said "we never can get anything we want out of the Pentagon" and he would appreciate our giving it a try.

In response to Braswell's questions, I generally described the current military situation in Cambodia. Braswell said he had misplaced the maps we had provided him some time ago and would very much like a new set, including several duplicates of Vietnam, Laos, and Cambodia he could mark up to use in briefing Senator Stennis, who is having difficulty keeping on top of the Southeast Asia situation in addition to his other responsibilities.

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6. [ ] Met with Russ Blandford, Chief Counsel, House Armed Services Committee, and discussed the Cambodian situation which Blandford insisted was "disastrous."

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JOHN M. MAURY  
Legislative Counsel

cc:  
ER  
O/DDCI

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Mr. [ ]  
Mr. [ ]  
Mr. Houston  
Mr. Goodwin  
DDI  
DDS  
DDS&T  
OPPB  
EA/DDP

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## G.O.P. Counters Plan in Senate To Bar War Funds in Cambodia

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, May 12—The Senate Republican leadership countered a bipartisan move to cut off funds for future military activities in Cambodia by suggesting legislation today that would sanction actions taken under the President's power as Commander in Chief.

Senators John Sherman Cooper, Republican of Kentucky, and Frank Church, Democrat of Idaho, immediately protested that a loophole was being proposed that would give a "blank check" to the President to undertake future military actions in Cambodia.

The countermove was proposed today by Senator Hugh Scott of Pennsylvania, the Senate Republican leader, in the form of an amendment to a foreign military sales bill that

is to be called up on the Senate floor tomorrow or Wednesday.

Senator Scott said the new amendment, approved by the White House would be submitted as a substitute for an amendment previously offered by Senators Cooper and Church

and co-sponsored by Senator Mike Mansfield of Montana, the Senate Democratic leader, and Senator George D. Aiken of Vermont, the ranking Republican on the Senate Foreign Relations Committee.

With the White House action today, the lines were drawn more sharply than ever for a constitutional debate between the Executive and the Legislative branches over war-making powers, a debate that was set off by President Nixon's dispatch of American troops into Cambodia. The first test of strength is to come in the discussion of the rival amendment. The Cooper-Church amendments on Cambodia.

—already approved by the Senate Foreign Relations Committee in a 9-to-4 vote yesterday—provides that no funds appropriated by Congress can

be used by the President for "retaining" United States forces in Cambodia, for supplying military advisers or mercenaries to the Cambodian Government or for conducting any combat air activities over Cambodia support of the Cambodian Government forces.

The substitute amendment contains the same restrictions on operations in Cambodia as the Cooper-Church amendment, in identical words. But it adds the exemption that funds can be spent by the President for military actions in Cambodia if they are "required to protect the armed forces of the United States."

Until today's developments, the Cooper-Church amendment was believed in many Senate quarters to command majority support.

### Details Given by Scott

In disclosing the substitute amendment before reporters in the Senate Press Gallery, Senator Scott, who had helped draft the measure, repeatedly conveyed the impression that the wording had been cleared with the White House and that the amendment had the approval of the Administration. He described the measure as "acceptable" to the White House and "something the Administration believes it can live with."

But a somewhat different version came from Gerald R. Warren, assistant White House press secretary, who said the White House "has not endorsed any substitute." Mr. Warren emphasized that the Administration was opposed to any abridgment of the President's powers as Commander in Chief and therefore was not receptive to any amendment.

Senator Scott told reporters that the Administration would have preferred no amendment but decided to support the substitute "when I told the White House that the Senate wanted to be heard on the Cambodian question."

The substitute, he said, will "make clear that the Senate wants us out of Cambodia as soon as possible" while at the same time "protecting the constitutional powers of the President as Commander in Chief."

George McGovern, Democrat of South Dakota, Mark Hatfield,

Republican of Oregon, Harold E. Hughes, Democrat of Iowa, Charles E. Goodell, Republican of New York, and Mr. Church—took the unusual step of buying a half hour of television time tonight so they could present their case for an amendment that would require the withdrawal of all United States forces from Vietnam by mid-1971. Their \$70,000 program was scheduled for presentation on N.B.C. television at 7:30 P.M.

### Gavin Sees Clash With China

James M. Gavin, a retired Army lieutenant general who has long been critical of the Vietnam war, expressed concern to the Senate Foreign Relations Committee that the nation might be headed for a "catastrophic confrontation" with Communist China. General Gavin proposed that a Cabinet-level official be appointed with the assignment of drafting plans to "extricate" the United States from Vietnam as soon as possible.

College student lobbyists, still swarming through the Capitol in droves, seemed to be having some impact. Two Southern Democratic Senators—Ernest F. Hollings of South Carolina and Herman E. Talmadge of Georgia—made speeches criticizing intervention in Cambodia made without the approval of Congress. Both cited the student protests in suggesting that the time had come for Congress to place restrictions on the President.

Behind the scenes, the White House was engaged in its own lobby to defeat the Administration critics in Congress.

Henry A. Kissinger, the President's national security adviser, met privately in the morning on Capitol Hill with a Congressional delegation invited by the White House and composed largely of Administration supporters. One Republican Senator afterward described it as "a halftone pep talk" with the Cambodian operation thus far described as "an enormous success."

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# SENATE UNIT VOTES TO RESTRICT FUNDS IN CAMBODIA WAR

Assent of Congress Would  
Be Needed to Pay for Any  
New Military Efforts

## 9-1 COMMITTEE ACTION

State Department Protests  
Bill Would Harm Powers  
of Commander in Chief

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, May 11—Over State Department objections that Congress was proposing to restrict the President's constitutional powers as Commander in Chief, the Senate Foreign Relations Committee approved an amendment today to cut off funds for future American military activities in Cambodia.

The amendment, attached to a foreign military sales bill, now goes to the Senate floor, where it will provide a test of sentiment on the Cambodian operation. It could also provoke a constitutional dispute between the Senate and the executive department over the war powers of the President.

With a group of Senators seeking to challenge President Nixon on his decision to extend United States attacks into Cambodia, the amendment was rushed through the Foreign Relations Committee after one day of discussion. It was scheduled for consideration by the Senate later this week, probably starting Thursday.

### Present Effort Excluded

As interpreted by its sponsors—Senators John Sherman Cooper, Republican of Kentucky, and Frank Church, Democrat of Idaho—the amendment would not keep the President from carrying out the

present Cambodian operation, but could keep him from embarking on future military actions in Cambodia without the approval of Congress.

The amendment would provide that the President could not use any funds appropriated by Congress for "retaining" American military forces in Cambodia, for providing American military advisers, instructors or mercenaries to the Cambodian Government or for

Continued on Page 17, Column 1

Continued From Page 1, Col. 8

conducting any air combat over Cambodia in support of Cambodian forces.

The amendment was adopted by the committee by a vote of 9 to 4 shortly after the State Department sent a letter raising a constitutional objection to restrictions on the President's authority as Commander in Chief.

In a letter signed by David M. Abshire, Assistant Secretary for Congressional Relations, the State Department said the "general thrust" of the amendment was "in consonance with the President's expressed intentions concerning the limited role of United States forces in Cambodia."

"As a general principle," however, the letter said, "we do not consider it desirable that actions of the Commander in Chief should be subject to statutory restrictions."

In particular, it continued, "no such amendment should restrict the fundamental powers of the President for protection of the armed forces of the United States."

As the Cooper-Church amend-

ment stands, the State Department said, it might be interpreted as diminishing the fundamental powers of the President, "thus limiting the President's authority to take actions which he finds to be essential for the defense of United States forces."

The State Department also objected that sections in the amendment—particularly those prohibiting any military advisers or United States-supported mercenaries for Cambodian forces—were "subject to a great variety of interpretations which might adversely affect the President's policy on Vietnamization and steady replacement of American combat forces in Vietnam."

The State Department suggested that the amendment be revised to "make it clear that the President is entitled to take action to protect the lives of American troops within the Republic of Vietnam."

Not only did the committee reject this suggestion, but it proceeded to strengthen the amendment beyond the original proposal offered by Senators Cooper and Church.

Originally the amendment provided that no funds could be

Church-Cooper amendment, titled "Prohibition of Assistance to Cambodia":

"In order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of—

1. Retaining United States forces in Cambodia;

2. Paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

3. Entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

4. Conducting any combat activity in the air above Cambodia in support of Cambodian forces.

used by the President for retaining "U.S. ground combat forces" in Cambodia. In light of the disclosure that the United States Navy was assisting a naval operation up the Mekong River in Cambodia, the committee decided to broaden the prescription to include "United States forces."

As interpreted by the amendment sponsors, this broader definition would mean that the President could not send either ground combat or naval forces into Cambodia in the future.

The one major exception was that American planes could still provide combat support for South Vietnamese units operating in Cambodia.

Democratic and Republican leaders differed on the prospects for the amendment.

### Text of Amendment

Senator Mike Mansfield of Montana, the Democratic leader, predicted the amendment would be approved by the Senate.

But Senator Hugh Scott of Pennsylvania, the Republican leader, said that the amendment would have the support of only 30 Senators.

Following is the text of the

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CONGRESSIONAL RECORD — SENATE

S 6911

sequences. The bill also recognizes that an extensive review of banking regulation is long overdue. I offer this proposal with the hope that it will generate worthwhile discussion and may produce legislation which is more precisely directed at achieving a healthy and competitive banking industry as this Nation moves into the 1970's.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2823) to amend the Bank Holding Company Act of 1956, and for other purposes, introduced by Mr. BROOKE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3823

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bank Holding Company Act of 1970".*

SEC. 2. (a) Section 2 of the Bank Holding Company Act of 1956 is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) 'Bank holding company' means any company (1) that directly or indirectly owns, controls, or holds with power to vote 25 percentum or more of the voting shares of any bank or of a company that is or becomes a bank holding company by virtue of this Act, (2) that controls in any manner the election of a majority of the directors of any bank, or (3) that has the power directly or indirectly to direct or cause the direction of the management or policies of any bank. For the purposes of this Act, any successor to any such company shall be deemed to be a bank holding company from the date as of which such predecessor company became a bank holding company. Notwithstanding the foregoing—

"(A) No bank and no company owning or controlling voting shares of a bank is a bank holding company by virtue of such bank's ownership or control of shares in a fiduciary capacity except where such shares are held under a trust that constitutes a company as defined in subsection (b) of this section, or as provided in paragraphs (2) and (3) of subsection (g) of this section.

"(B) No company is a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

"(C) No company formed for the sole purpose of participating in a proxy solicitation is a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation." (b) Subsection (b) of section 2 of such Act is amended to read as follows:

"(b) 'Company' means any person, estate, trust, partnership, corporation, association, or similar organization, but shall not include any corporation the majority of the shares of which are owned by the United States or by any State."

(c) Subsection (c) of section 2 of such Act is amended by inserting after "demand" the following: "and which is engaged in the business of making commercial loans."

(d) Subsection (d) of section 2 of such Act is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)"; and

(2) by striking out the period and inserting in lieu thereof the following: "; or (3) any company the management or policies of which such bank holding company has the power directly or indirectly to direct."

(e) Subsection (g) of section 2 of such Act is amended—

(1) by striking out "end" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) a new paragraph as follows:

"(3) shares owned by the spouse, lineal descendants, or ancestors of an individual shall be deemed to be owned or controlled by such individual; and".

SEC. 3. (a) That part of section 4(c) of the Bank Holding Company Act of 1956 which precedes the numbered paragraphs is amended to read as follows:

"(c) The prohibitions in this section shall not, with respect to any bank holding company, apply to—"

(b) Paragraph (8) of section 4(c) of such Act is amended to read as follows:

"(8) Shares retained or acquired in any company engaged in activities which are authorized under subsection (e) of this section;"

(c) Section 4 of such Act is amended by adding at the end thereof the following:

"(e) (1) (A) A bank holding company or any subsidiary thereof may engage in any activity that the Board has determined, after notice and opportunity for hearings, is functionally related to banking. In determining whether an activity is functionally related to banking the Board shall consider whether the activity is one which is incidental to a banking transaction or is one providing assistance of a type which a customer normally looks to a bank or other financial institution to obtain. Notwithstanding a determination that an activity is functionally related to banking, the Board may deny permission to engage in such activity if it finds that the engaging in such activity by the bank holding company or subsidiary thereof has or may have significant anti-competitive effects.

"(B) A bank holding company or any subsidiary thereof may engage in any activity which is not functionally related to banking if such bank holding company and any banking subsidiary thereof does not extend banking services to any customer or supplier of such bank holding company or subsidiary thereof engaged in such activity. Notwithstanding the foregoing, the Board may by regulation or order permit the rendering of such banking services in such amounts or under such conditions as it determines will not be contrary to the purposes of this section.

"(2) In the event of the failure of the Board to act on any application for an order under this subsection within the 91-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted.

"(3) The Board shall include in its annual report to the Congress a description of each activity approved by it by order or by regulation under this subsection during the period covered by the report."

SEC. 4. (a) As used in this section, the terms "bank", "bank holding company", and "subsidiary" have the meaning ascribed to such terms in section 2 of the Bank Holding Company Act of 1956.

(b) A bank shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition, agreement, or understanding—

(1) that the customer shall obtain some other credit, property, or service from a bank holding company of such bank or from any subsidiary of such bank holding company;

(2) that the customer provide some other credit, property, or service to the bank holding company of such bank or to any subsidiary of such bank holding company; or

(3) that the customer shall not obtain some other credit, property, or service from a competitor of such bank, bank holding company of such bank, or any subsidiary of such bank holding company.

The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purpose of this section.

(c) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (b) of this section and of section 4(e)(1)(B) of the Bank Holding Company Act of 1956, and it is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as may be, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just in the premises. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

(d) In any action brought by or on behalf of the United States under subsection (b) of section 4(e)(1)(B) of the Bank Holding Company Act of 1956, subpoenas for witnesses may run into any district, but in civil actions no writ of subpoena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

(e) Any person who is injured in his business or property by reason of anything forbidden in subsection (b) or section 4(e)(1)(B) of the Bank Holding Company Act of 1956 may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

(f) Any person, firm, corporation, or association may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of subsection (b) or section 4(e)(1)(B) of the Bank Holding Company Act of 1956, under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

(g) Any action to enforce any cause of action under this section shall be forever barred unless commenced within seven years after the cause of action accrued.



S 6912

## CONGRESSIONAL RECORD — SENATE

May 11, 1970

SEC. 5. (a) (1) There is hereby established a National Commission on Banking (hereinafter referred to as the "Commission").

(2) The Commission shall consist of fifteen members to be appointed by the President as follows:

(A) Six shall be from private life and representative of the banking industry; and

(B) Nine shall be representative of the public interest and may be appointed from private or public life, including persons employed by State or federal agencies.

Not more than three persons appointed to the Commission shall be, at the time of their appointments, employed in a full-time capacity by the United States.

(3) The President shall designate one of the persons appointed to the Commission to serve as Chairman.

(4) A vacancy in the Commission shall not affect its powers and may be filled in the same manner as the original appointment.

(5) Eight members of the Commission shall constitute a quorum.

(b) (1) The Commission shall study and appraise the role of banking in the national economy with a view to determining whether existing State and federal statutes, regulations, and administrative practices are consistent with the objectives of economic growth and vigorous competition in the banking industry and among financial institutions consistent with reasonable safety of depositors' funds. Such study and appraisal shall include but not be limited to—

(A) restrictions on bank entry;

(B) restrictions on the formation of branches of banks;

(C) restrictions on the investment powers of banks;

(D) restrictions on the payment of interest on bank deposits;

(E) reserve requirements of banks;

(F) merger policies affecting banks;

(G) restrictions on banks engaging in nonbanking activities;

(H) restrictions on bank holding companies; and

(I) the desirability of consolidating federal bank supervisory functions into one agency.

(2) The Commission shall report its findings, together with such recommendations for legislative and administrative action as it deems advisable, to the President and to the Congress not later than June 30, 1972.

(c) (1) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinion pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(A) to administer oaths,

(B) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties,

(C) in the case of disobedience to a subpoena issued under this subsection to invoke the aid of any district court of the United States in requiring compliance with such subpoena,

(D) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (B) and (C) above, and

(E) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(2) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey

a subpoena of the Commission issued under paragraph (1) of this subsection, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(3) The Commission may require directly from the head of any Federal executive department or independent agency available information which the Commission deems useful in the discharge of its duties. All departments and independent agencies of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

(4) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(5) The Commission may delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as otherwise provided in this section.

(d) Members of the Commission who are appointed from the Government shall not receive additional compensation by reason of their service on the Commission, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission. Other members of the Commission shall receive compensation at a rate of \$100 for each day engaged in the business of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently.

(e) (1) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or to classification and General Schedule pay rates, appoint and fix the compensation of an executive director. The executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed may receive compensation in excess of the rate authorized for GS-18 under the General Schedule.

(2) The executive director, with the approval of the Commission, may obtain services in accordance with section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed \$100 per diem.

(3) The head of any executive department or independent agency of the Federal Government may detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(4) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of that Administration for the administrative

control of funds apply to appropriations of the Commission.

(5) Ninety days after submission of its final report the Commission shall cease to exist.

(f) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Any money so appropriated shall remain available to the Commission until the date of its expiration, as fixed by subsection (e) (5).

## ADDITIONAL COSPONSORS OF BILLS

S. 3417

Mr. MCGEE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of S. 3417, to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competition.

The PRESIDING OFFICER (Mr. INOUYE). Without objection, it is so ordered.

S. 3722

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maryland (Mr. TYDINGS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Alaska (Mr. GRAVEL), and the Senator from Montana (Mr. METCALF) be added as cosponsors of S. 3722, a bill to amend the Foreign Assistance Act of 1961 to require prior approval for delivery of excess defense articles to a foreign country.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

## SENATE CONCURRENT RESOLUTION 66—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON SPACE PROGRAM BENEFITS

Mr. ANDERSON submitted the following concurrent resolution (S. Con Res. 66); which was referred to the Committee on Rules and Administration:

S. CON. RES. 66

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Aeronautical and Space Sciences Committee six thousand additional copies of its hearing held during the ninety-first Congress, second session, on Space Program Benefits.*

*Cambridge*

## SENATE RESOLUTION 405—SUBMISSION OF A RESOLUTION DECLARING A POLICY FOR PEACE IN INDOCHINA

Mr. MUSKIE (for himself, Mr. HART, and Mr. MONDALE) submitted a resolution (S. Res. 405) declaring a policy for peace in Indochina, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. MUSKIE when he submitted the resolution appear later in the RECORD under the appropriate heading.)



May 11, 1970

**SENATE RESOLUTION 406—SUBMISSION OF A RESOLUTION TO PRINT AS A SENATE DOCUMENT MATERIALS RELATING TO SENATE CONCURRENT RESOLUTION 49**

Mr. ANDERSON submitted the following resolution (S. Res. 406); which was referred to the Committee on Rules and Administration:

S. RES. 406

*Resolved*, That there be printed with illustrations as a Senate document, in such style as may be directed by the Joint Committee on Printing, a compilation of materials relating to S. Con. Res. 49, providing Congressional recognition to the Goddard Rocket and Space Museum, Roswell, New Mexico, together with certain tributes to Dr. Robert H. Goddard, American rocket pioneer; and that there be printed for the use of the Aeronautical and Space Sciences Committee seven thousand additional copies of such document.

**IMPROVEMENT AND MODERNIZATION OF THE POSTAL SERVICE—AMENDMENTS**

AMENDMENT NO. 619

Mr. STEVENS. Mr. President, I submit an amendment, intended to be proposed by me to the Postal Reorganization Act, S. 3613, which will require that the Post Office maintain special "book rates" similar to those now offered for various educational and cultural material. This refinement of the Reorganization Act is necessary for several reasons.

First, the Nation's libraries do a great deal of mailing, both to other libraries and to borrowers. In my State of Alaska rural residents are completely dependent on the mails for obtaining library books from our public library system. The sparsely populated areas of my State cannot support local libraries and the mails offer the only means of obtaining books from the larger urban libraries. The special "book rate" makes the use of the mails for library borrowers economically possible. Even with this lower rate, we still have many people who cannot afford to use the libraries because they cannot afford to pay the return postage. Eliminating the "book rate" would not only make it impossible for many more Alaskans to use our libraries, but it could make the initial mailing of the book by the library too expensive for the library to continue to offer this vital service.

The second reason for retaining the book rate is the need to provide schools and students with a low-cost method of obtaining study materials. The cost to rural schools for obtaining needed books, note books, and other classroom aids would be exorbitant in many parts of my State, and the cost of obtaining necessary study materials could be prohibitive to many Alaskan students.

I have pointed up these two reasons because of their immediate and severe impact on my State. The present book rate is also supported by many other reasons. That is why Congress has seen fit to maintain this rate for so many years.

The major opposition to maintaining the book rate is that the new opera-

tional policy of the Post Office dictates that mail pay its way. But we all know it costs more to send a letter across the country than across town; yet no one is suggesting differential rates to account for this. A continuing Government subsidy is involved in the postage stamp rate because it is considered an integral part of the service the Post Office should provide even though it does not lend itself to exacting economic balance sheets.

The book rate should be similarly considered. It performs an important and necessary service for the American public. It permits the transfer of educational and cultural materials at a cost which their users can afford. It lowers the cost to students and school systems of educational and study materials. It permits people who otherwise might never see a book to have access to all the works of a modern urban library. Thus, while this service does not pay its way, its value to the American people warrants that it be continued. The continuing 10-percent budget subsidy is designed to cover just such nonpaying services as this.

One other feature of my amendment should be noted. The legislation presently before the Post Office and Civil Service Committee will place rate-making authority in a commission and the Postmaster General. My amendment will not affect this authority. It merely requires that the same relative benefit that is enjoyed by "book rate" mail today be continued under postal reorganization. Whenever letter mail rates are adjusted up or down, the book rate would be proportionately adjusted.

I ask unanimous consent that the text of my amendment be printed in the Record, immediately following my remarks.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The amendment will be received and printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 619) was referred to the Committee on Post Office and Civil Service, as follows:

On page 85, line 16, strike "4359, 4452, or 4554" and insert in lieu thereof "4359 or 4452".

On page 85, line 25, and page 86, line 1, strike "4358, 4452(b), and 4554(b) and (c)" and insert in lieu thereof "4358 and 4452(b)".

On page 86, lines 5 and 6, strike "4359, 4452(a), and 4554(a)" and insert in lieu thereof "4359 and 4452(a)".

On page 86 following line 9 insert the following new subsection:

"(f) Notwithstanding any other provision of this section the Commission shall include in any recommended decision for changes in rates or fees, rates of postage for the classes of mail or kinds of mailers under section 4554 of this title, as such section existed on the effective date of the Postal Reorganization Act, which bear the same ratio, as nearly as is practicable, to the letter mail rate contained in such decision as the rates provided in section 4554, as such rates existed on the effective date of the Postal Reorganization Act, bear to the first class rates as they existed on the effective date of the Postal Reorganization Act."

**AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT**

AMENDMENT NO. 620

Mr. COOPER (for himself, Mr. CHURCH, Mr. MANSFIELD, and Mr. AIKEN) submitted an amendment, intended to be proposed by them, jointly to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was referred to the Committee on Foreign Relations and ordered to be printed.

AMENDMENT NO. 621

Mr. MUSKIE. Mr. President, on behalf of myself and Senators JACKSON, MAGNUSON, GRAVEL, SCOTT, PERCY, PACKWOOD, PEARSON, WILLIAMS of New Jersey, HOLLINGS, CANNON and ANDERSON, I submit today an amendment to the Foreign Military Sales Act, H.R. 15628, which would authorize U.S. assistance, at a level of \$200 million, to encourage positive and rapid implementation of a program of land reform by the government of South Vietnam.

I ask unanimous consent that the text of the amendment be printed in the Record following my remarks.

Mr. President, last December, I introduced an amendment to the Foreign Assistance Act of 1969 which would have provided American support, in the form of commodities, for a comprehensive program of land reform in South Vietnam. At that time, President Thieu's "Land to the Tillers" bill was in a very precarious position, having been diluted and rendered virtually ineffective by the lower house of the South Vietnamese legislature.

Since that time, however, the status of the land reform program in South Vietnam has altered significantly. On March 26, 1970, President Thieu signed into law one of the most comprehensive land reform programs in modern history. Under the new law, every piece of tenanted land in South Vietnam will be returned to the tenants now farming it. Approximately 2½ to 3 million acres of land will be transferred to some one million families.

Some of the specifics of the land reform bill are as follows:

First, all land not tilled directly by the land owner will be affected;

Second, landlords will be fully compensated by the Government of South Vietnam, on a ratio of 10 percent cash and 90 percent 8-year bonds redeemable according to an established schedule.

Third, farmers receiving land under the new law will be exempt from all kinds of tax relating to the transfer of land, and also from any land tax in the first year of ownership;

Fourth, the Government of South Vietnam will encourage the establishment of farm cooperatives to facilitate the improvement of agricultural methods;

Fifth, bonds used to compensate former landlords may be pledged, transferred, used as payment of credit obligations and land tax, or to buy shares in private or national enterprises;

Sixth, strict punitive measures are provided to deal with any person acting to

prevent implementation of this law; and  
Seventh, land will be distributed to the following: present tillers, next of kin of war dead, soldiers and civil servants when discharged, soldiers and civil servants forced to abandon cultivation because of the war, in that order.

Mr. President, in recent days we have witnessed new and serious developments in our involvement in Southeast Asia, developments to which a significant segment of the American populace is opposed. Arguing that we need to take additional steps to insure the security of a decreasing number of American troops in Vietnam and to strengthen our own negotiating position, as well as that of the South Vietnamese, President Nixon has chosen to step up military activity. I suggest that comprehensive land reform can serve both these ends, without risking more American lives and resources.

It is estimated that the majority of American casualties incurred in this war are directly or indirectly traceable to peasant support for the Vietcong. We cannot expect to totally arrest peasant defections to the Vietcong—presently running at an estimated 40,000 a year. But by encouraging rapid implementation of land reform, we can strengthen the possibility of a significant shift in peasant allegiance toward the central government.

I suggest further that by broadening the base of support for the central government, land reform can strengthen the negotiating position of South Vietnam—a necessary accomplishment which raises serious questions as to the purpose and success of Vietnamization. By giving the peasants a stake in the preservation of their country, rapid implementation of the new land reform program can supply a new incentive to achieve political settlement—which most of us will agree is essential—by threatening the enemy with the erosion of its rural support.

On the Vietnamese side, I feel that the political will exists in South Vietnam to carry through with this program. Distribution over the past year of some 200,000 acres of government-owned lands lends substantial credibility to President Thieu's intentions. And viewed in an even broader context, this particular program may have broad implications for the success of similar programs enacted in other nations throughout the world.

Therefore I feel that now, perhaps more than ever, it is important that the United States lend its support and encouragement to a rapid implementation of the program. Opposition among some 100,000 landlord families to the successful operation of land reform will be stiff. Heavy financial demands—brought about by a need to strengthen the credibility of the program by compensating landlords as soon as possible, and by the government's intention to complete this program on schedule—will come to bear on an economy already overextended by inflationary pressures and increasing expenditures for defense.

The United States must move quickly in the direction of encouraging implementation of land reform as rapidly as possible. The Government of South Vietnam has set an outside limit of 3 years

for carrying out this program. We who are sponsoring this amendment feel that this schedule can and must be stepped up, if the program is to have an immediate effect on ending the fighting and killing and on the consequent progress of our withdrawal from Southeast Asia.

Mr. President, the amendment which I am introducing would authorize \$200 million for support of rapid implementation of land reform in South Vietnam. This amount is less than the cost of several days of the war. Yet a successful land reform program could shorten the war by many more than several days.

There are those who will argue that the support we are advocating represents only a further encroachment by the United States in South Vietnamese affairs, at a time when we are trying to disengage ourselves from these affairs; that American support of this program will have the effect of propping up a government which does not deserve our support.

To this argument I reply that it has long been my conviction that we cannot really wind down this war unless in some way we can find a political solution to the conflict. I think that a political solution inevitably involves a broadening of the base of political support for the Government of South Vietnam—the present one or one which succeeds it as a result of free elections. I think that land reform, by giving the people of South Vietnam a stake in things as they are, could do a great deal to encourage and promote the development of a viable political solution.

Mr. President, the United States has spent a great deal, in terms of lives and money, under the pretense of protecting the sovereignty of South Vietnam. The legacy we leave behind when we are finally disengaged from this conflict may not be a pleasant one to remember. It will be extremely difficult for us to measure the degree to which we have improved the lot of the average South Vietnamese, or strengthened our own national security. In this light, I urge my colleagues to weigh seriously the need for our support of a program which is probably the most important thing to happen in South Vietnam in recent years, in terms of long-range social and economic gain, and which could be the most positive legacy which the United States will leave behind.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 621) was referred to the Committee on Foreign Relations, as follows:

H.R. 15628, an Act to amend the Foreign Military Sales Act viz: On page 4, after line 17, add the following new section:

"SEC. 7. (a) The success of a land reform program in Vietnam is a material factor in the future political and economic stability of that nation, and the speed with which such a program is given effect may have consequences with regard to the termination of hostilities there.

"(b) The President is authorized to use funds appropriated pursuant to this section to encourage and support the rapid implementation of the national land reform pro-

gram enacted in March, 1970, by the Government of South Vietnam. The use of such funds for land reform in Vietnam shall be contingent upon the attainment of mutually agreed goals of accomplishment stressing economy, efficiency, and advanced implementation of the program by July 1, 1972. Tranches for land reform assistance to the government of Vietnam shall be made at quarterly intervals based upon satisfactory achievement towards the 1972 target goal.

"(c) Grants may also be made, out of funds appropriated pursuant to this section, for the purchase and shipment to Vietnam of goods and commodities, manufactured or produced in the United States, which, by their introduction into the Vietnamese economy, will contribute to sound economic development in Vietnam. Such goods and commodities (1) shall be of a type approved by the President for such programs; (2) shall include goods suitable for agricultural supplies, business inventories in nonluxury enterprises, and capital goods for economic development; and (3) may be exchanged for bonds issued by the Government of Vietnam to compensate landowners whose lands are transferred to other persons under such programs, or used in such other way as the Government of Vietnam may determine, consistent with the purposes of this section.

"(d) In order to carry out the provisions of this section, there are authorized to be appropriated \$200,000,000 in fiscal year 1971. Funds appropriated under this section are authorized to remain available until expended."

#### ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 609

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. McCARTHY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CHURCH), and the Senator from Maine (Mr. MUSKIE), be added as cosponsors of amendment No. 609 to H.R. 17123, an amendment to end the war in Southeast Asia.

The PRESIDING OFFICER (Mr. HOLINGS). Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. EAGLETON) be added as a cosponsor of amendment No. 609 to H.R. 17123, an amendment to end the war in Southeast Asia.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

#### ANNOUNCEMENT OF HEARINGS ON PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, the Constitutional Rights Subcommittee has scheduled 9 days of hearings on the subject of pretrial release in the Federal courts. The hearings on May 20, 21, 26, 27, and June 9, 11, 16, 17, and 18, constitute a resumption of those we began in January and February of 1969 which were designed to serve as the first step in a comprehensive review of the Bail Reform Act of 1966 and related laws and procedural rules.

At our initial hearings we received

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## THE CAMBODIA CRISIS

Nixon Bypassed Usual Path  
In Deciding to Use Troops

by JAMES DOYLE

Star Staff Writer

The onset of monsoon rains and concern that the friendly Lon Nol government in Cambodia would collapse may have caused President Nixon to bypass the National Security Council during the first major foreign policy crisis of his administration.

That is the principal conclusion resulting from a series of inquiries by Star reporters. Another is the clear indication that a number of misunderstandings, either on strategic matters or public relations, accompanied the decisions to commit large numbers of American troops to Cambodia and to launch large-scale bombing missions above the demilitarized zone in Vietnam.

The record of just what did happen within the precincts of the government on the days leading to April 30, when the President announced his decision to send troops into Cambodia, is full of still-secret information.

But the available information suggests that Nixon made his decision either alone or with only a small group of trusted personal advisers. The decision represents a series of calculations, and perhaps some miscalculations, without the measured and formal analysis by the larger group of officials that were statutory members, or presidential designates, to the National Security Council. The President previously had been noted—and sometimes criticized—for the cool and measured manner in which he had handled other situations.

Because Nixon laid great emphasis on the role of the NSC as the foreign policy planning group, he may have felt that its

work had been done and that there was no need for a final ratification of his course of action.

The NSC staff for some years studied and proposed alternatives concerning Cambodia, and these studies became more pertinent with the surprise fall of Prince Norodom Sihanouk on March 18.

Nixon apparently acted and implemented an invasion plan without ordering a full-scale review of how such an escalation might be received elsewhere in the world—Moscow and Peking and among important allies—as well as within the United States.

There are indications that the President accepted a contingency plan of the Joint Chiefs of Staff, and that its execution was ordered so quickly that Secretary of State William P. Rogers was unaware, until the last minute, of the decision. He said that Secretary of Defense Melvin A.

Laird was unfamiliar with all of the military operations that had been approved, even though he said he presented the plan to the NSC.

According to Nixon's own statement, he saw the Cambodian invasions as a quick thrust that friendly and neutral observers would see as a new offensive operation, but not a serious escalation of the war.

He expected adverse reaction abroad and at home, but he apparently did not expect a crisis atmosphere to develop.

During the 1968 presidential campaign, candidate Nixon delivered a major political policy statement in late October, saying that the risks facing the country had intensified during the eight years of Johnson and Kennedy because they failed to use the National

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Security Council "to integrate our diplomatic, military and economic policies."

"In its place there have been catch-as-can talkfests between the President, his staff assistants and various others," Nixon said.

And in his state of the world message last February, the President proudly listed the 37 meetings of the NSC in 1969 and said, "American strategy must not be merely the result of piecemeal tactical decisions forced by the pressure of events."

Yet there is strong evidence that the decision to move into Cambodia resulted from a series of piecemeal tactical decisions, and that it was forced by what Nixon saw as the pressure of events.

For the past five years there has been strong military pressure on the White House to allow incursions into Cambodia to clear out Viet Cong and North Vietnamese sanctuaries. Even during the height of the search and destroy strategy in South Vietnam, no large scale incursions were allowed, and none at all was officially sanctioned.

When Nixon on April 20 announced his plans for withdrawing 150,000 U.S. troops from Vietnam over the next year, he said that about 40,000 Communist troops were conducting overt aggression

against the Cambodian government and that if they should jeopardize American forces in Vietnam, he would not hesitate to act.

## Move for Support

But he also said there was a decrease in enemy force levels in Vietnam, and a decrease in U.S. casualties.

The size of the announced troop withdrawal was widely interpreted as a move to bolster political support at home by making the first long term commitment of troop withdrawals. Previous announcements had covered periods of only a few months.

But the Joint Chiefs of Staff, who reportedly were taken by surprise by the size of the withdrawal announced, apparently began a new effort to gain permission to attack the sanctuaries in Cambodia while the U.S. was still in Vietnam in force.

The military arguments were that the Lon Nol government would accept an American invasion, the 150,000 troop reduction would make the sanctuaries more dangerous as the troops left, time was running out because the Cambodian government was under attack and might fall and the monsoon rains would prevent action after May.

This seems the first time that the President seriously began to consider the idea of an invasion.

Gen. Creighton Abrams, commanding general of U.S. forces in Vietnam, and Ellsworth Bunker, U.S. ambassador in Saigon, may have increased their pressures for a move against the sanctuaries. They were the only two men mentioned by name when Nixon announced his decision, "after full consultation" with his advisers.

While the onset of the monsoons became an argument for a quick invasion, that factor, along with the lower casualty rates and the lower enemy force levels in Vietnam, could have been used to argue for a delay until after the monsoons had lifted and the enemy's intentions became clearer.

And while the administration justified its attack in Cambodia on the basis of enemy force buildups in the sanctuaries, the fear also was being expressed in Washington that Communist troops would overrun the Cambodian capital at Phnom Penh.



According to White House sources who talked to the press, the President's concern for the situation grew the same day that he made his troop withdrawal speech, and was the reason that he returned unexpectedly to Washington from California on Monday, April 20.

The greater concern over Cambodia is said to have been caused by some views that Communist forces were attempting to link their sanctuaries together. Previous intelligence estimates said that Communist troop activity was designed only to protect the sanctuaries already held from Cambodian troops.

The new government of Cambodia had been pressing the Communists to leave, had shut a major port through which some supplies had come and had requested extensive arms and equipment from the U.S. for its small and ill-trained army.

The administration was considering the Cambodian request for equipment, but apparently decided there wasn't much to be gained by supplying arms because the Cambodian army was not trained sufficiently to be able to use American arms effectively.

On Wednesday, April 22, the National Security Council met on the subject of Cambodia and reached no decision on how to proceed. There was some opinion expressed that the North Vietnamese may have been encouraged to move swiftly

against Cambodia by the President's commitment to a 150,000 reduction.

That same day Secretary Rogers told the House Foreign Affairs Committee that sending "U.S. ground troops into Cambodia would defeat our whole program in Vietnam."

The next day Henry A. Kissinger, Nixon's foreign affairs adviser, began meeting with the "Washington Special Action Group," a panel of senior advisers, mostly career diplomats, charged with drafting plans to meet a specific problem.

On Friday, April 24, Nixon went to Camp David. The United States Embassy in Saigon was advised to prepare to implement the plans it had been urging. Kissinger went to Camp David on Saturday, and on Sunday and Monday, back at the White House, the President met with Kissinger again and with Rogers, Laird and the outgoing and incoming chairman of the Joint Chiefs, Gen. Earle G. Wheeler and Adm. Thomas Moorer.

#### Activate Plans

On Monday, the embassy in Saigon was told to activate a plan for the South Vietnamese army to attack the Cambodian sanctuaries with the assistance of U.S. air support, medical evacuation teams and air controllers on the ground.

Rogers, in a meeting with the Senate Foreign Relations Committee, gave no indication of the scope of planned events. His aides have since stated that he did not mislead the committee by failing to mention the use of American troops, because at that time there was no plan for their use as combat units. Yet this was only two days before U.S. troops were committed.

If there was an air of crisis among these men, it was well concealed. For example Undersecretary of State Elliot L. Richardson, who by presidential decree attends all NSC meetings, spent Friday in Boston with the visiting committee of the School of Government at Harvard and moved over on Saturday to meet with faculty members. He returned to Washington on Sunday to be with his family.

On Monday the Defense Department ordered bombing raids of the sanctuaries, and by Tuesday troops were massing on the perimeter. Apparently the North Vietnamese already were moving out.

The first announcement of the operation was made by the South Vietnamese government in Saigon Wednesday, and confirmed in confusing language by the Pentagon.

The President went on television Thursday and announced for the first time the extensive use of American troops, saying confidently, "Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam."

Later Pentagon sources described this headquarters as a honeycomb of caves and tunnels, deep enough to withstand B52 attacks, containing massive communications equipment, a sophisticated hospital and extensive files.

To date nothing that elaborate has been discovered, although deep bunkers and various supply caches have been uncovered.

Conflicting stories of what happened and what was happening began thick and fast by week's end. From the field came stories of general officers being disappointed with what they found, then in towering their estimates of what they would find.

Premier Lon Nol said he was not informed in advance of the attacks, that they violated Cambodia's integrity and that he was considering a formal diplomatic protest. He never made it.

#### Warned of Air Strikes

On Saturday May 2, Laird announced he would urge air strikes against North Vietnam if Hanoi moved troops across the DMZ. Bombers already had flown such missions.

Laird then admitted to three such strikes, and discovered to his chagrin that there was a fourth he didn't know about.

The New York Times subsequently reported high officials had urged that the bombing sorties not be reported because it would embarrass the country.

The justification for the bombing of the North was that it continued present policy, although to most observers it appeared a sharp reversal of the announcement by Lyndon Johnson that bombing has stopped.

Nixon, appearing somewhat tired, went to the Pentagon on Friday morning, May 1, and made the impromptu statement about "bums blowing up the campuses," a comment that brought a storm of criticism.

When the briefings for members of Congress were held at the White House on Tuesday, May 5, the confusion was even greater. The duration of the operation was listed as anywhere from five to eight weeks.

A White House spokesman confirmed that the President promised members of the Foreign Affairs Committee that the incursions would be limited to 35 kilometers (about 21 miles), but the next day the same spokesman said the President didn't consider that a firm commitment.

While the President emphati-

cally insisted the operation was not an invasion, in predicting the Soviet response he compared it to the world reaction to the 1963 invasion of Czechoslovakia by the Soviets.

The role of Atty. Gen. John Mitchell in the strategic decision is unclear. It probably was an important one, although it is being played down by the administration.

Mitchell is Nixon's confidant, the only member of the Cabinet who always can go directly to the President. He has attended all important National Security Council meetings.

The attorney general was reported to have urged an even wider invasion, one that would include an amphibious landing aimed at buttressing the port of Sihanoukville at the same time that the sanctuaries were entered.

Laird reportedly argued against the more extensive action. Rogers is said to have argued against the entire enterprise, although the State Department disputes this.

Today, eight days after Nixon's speech announcing the operation into Cambodia, a good deal about it remains murky, including its scope and its duration. Whether this is a policy problem, a public relations problem, or even inadequate reporting by the press is not yet certain.

But the highest members of the government have themselves appeared uncertain of just what was happening and what was planned. Tonight at 10 o'clock Nixon holds a press conference, presumably to attempt to straighten things out.

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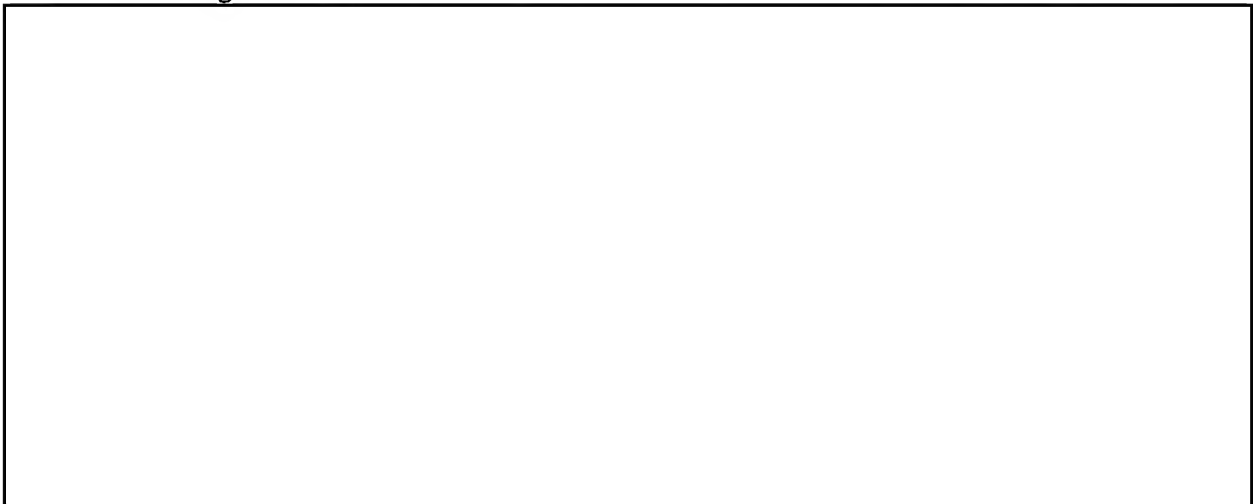
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5. [REDACTED] Delivered to Mr. Ralph Preston, House Appropriations Committee staff, a copy of the "Horse Blanket" which was promised by John Clarke as a supplement to the Agency budget outline. Mr. Preston reiterated that the name of the game for the meeting on Monday is Cambodia, which has occupied a substantial part of the Chairman's time and energies during the past week. Mr. Preston suggested that it would be well to consider leading off the briefing with Cambodia.



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May 7, 1970

dollar increase above the budget will be offered and campaigned for by way of an increase. If we throw away all fiscal restraints, this country will have had it, and while we may not pay in taxes for what we are spending, we will pay in run-away inflation, which is worse than taxes.

Mr. GROSS. I note with this bill the cost of administration of the Bureau of the Public Debt will be more than \$63 million on an annual basis. I can remember when I first came to the Congress the appropriation for the Bureau of the Public Debt was about \$20 million and perhaps even less. Now \$63 million is being expended simply to administer the office. This does not include a single dollar for the carrying charges of \$20 billion a year on the public debt. It is simply to administer it. This is almost unconscionable.

Mr. MAHON. Well, of course, the administering of the public debt at this time of economic disturbance is very difficult. Many operations are necessary now that were not necessary at an earlier date.

I see the gentleman from Oklahoma (Mr. STEED), the chairman of the subcommittee that handles that appropriation, is here, and I will yield to him for a comment.

Mr. STEED. In regard to the form of administering the public debt, the largest item in the \$63 million is nearly \$31 million which goes for postage. Then the next largest item is the fees that we pay the Federal Reserve banks and the commercial banks of the country for cashing savings bonds and doing other functions for the Treasury Department.

Mr. GROSS. I note that there is contained in this supplemental appropriation bill an increase of \$250,000 with which to print Treasury certificates. Is this just to purchase oil for the printing presses or is it to buy new printing presses in order to expedite the printing? What is the story?

Mr. STEED. Mr. Chairman, if the gentleman from Texas would yield further, the bonds, notes and the paper money that they have to purchase in this country I believe last year according to the Treasury they had to issue about 174 million pieces of paper called bonds, notes or bills. This is just an increase in the cost of the material which they have to use. There has been an unprecedented increase, as the gentleman from Iowa understands, in the cashing of savings bonds. This is to pay a 15-percent fee for each bond cashed. This is an uncontrollable item. So, it just reflects the volume of selling and buying which is going on in this field these days.

#### PAY INCREASE APPROPRIATIONS

Mr. GROSS. Mr. Chairman, if the gentleman will yield for one further question—

Mr. MAHON. I yield further to the gentleman.

Mr. GROSS. Did the committee in setting up this figure of \$1,350 million to fund the recent pay increases, pull together any figures as to the number and cost of pay increases for, say, the last 10 years?

Mr. MAHON. The various subcommittees screened the various pay requests that were made. We insisted that the departments absorb as much of the pay increase as possible. Large sums will be absorbed. This bill contains certain transfer authority which will help enable the agencies to meet these requirements; otherwise, the bill would be greater than it is.

It is a matter of great concern, of course, to the committee and to the gentleman from Iowa as well as to the people generally as to the great cost which is involved.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Has the chairman been able to make an estimate as to what this supplemental appropriation, plus the regular appropriation, will do in terms of increasing the national debt? What will be the net increase in the national debt?

Mr. MAHON. Well, I assume that we will have a rather spirited debate in the near future on the issue of increasing the public debt. There will be an increase in the public debt. What effect this will have I could not predict at this time.

Mr. PUCINSKI. I have seen various estimates, one as high as a \$15 billion deficit, for fiscal 1970.

Obviously, if we had some indication as to what the figures are, it would certainly affect our action on this legislation.

The gentleman suggests that much of these expenditures are uncontrollable. I do not quite understand that.

Mr. MAHON. Nearly 90 percent of the bill is for legislated pay increases and other mandatory-type payments, as page 2 of the committee report clearly indicates. Congress raised the pay and after we raised the pay, unless we rescind that action, it is more or less uncontrollable, unless there is a vast reduction in personnel otherwise. Certain other items—public assistance, veterans, and so forth—fall somewhat in the same category.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, we, for instance, authorize a certain amount of money for education and then we only fund one-half of it. We have a lot of programs around here where we authorize substantially more than we appropriate. It is not uncommon, as a matter of fact, for the Appropriations Committee to hold the line on almost every single authorization.

As the gentleman said, we did raise the salaries, but has any effort been made to reduce the number of Government employees to pick up some of that slack?

Mr. MAHON. An effort certainly has been made, but after Congress screens the requests, appropriates for the various programs, and the people are on the payroll you have to pay them for their services at the authorized rates. That is essentially what is involved here.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I would ask the gentleman if it is not true and fair to say that when Congress votes a pay increase that is not the same as authorizing a ceiling on a new program? That is a legislative enactment of a pay increase, and I do not see how the Committee on Appropriations could possibly fail to approve the money that Congress has voted in pay for Government workers and servicemen.

Mr. MAHON. The gentleman is correct. There is no comparability, as I see it, between authorizations and uncontrollable items such as we have in the bill.

#### CIVILIAN PERSONNEL

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, if my memory serves me correctly, when President Johnson was faced with a similar situation he put a freeze on all new jobs in the Federal Government. There were no new jobs created, and no new jobs filled for at least 6 months or a year.

I was wondering if there was any agreement like that, perhaps, to help meet some of the additional costs if indeed we are going to be faced with a \$15 billion deficit?

Mr. MAHON. I will undertake to place into the Record what has been done with regard to the personnel. In some areas it has gone down, and in other areas it has gone up. I will put some facts on the subject in the extension of my remarks.

Mr. Chairman, may I add for the record that there are various statistical data published regularly on Federal employment. Executive branch employment has been trending downward in the current fiscal year.

The monthly report of the Joint Committee on Reduction of Federal Expenditures for March 1970—a summary of which I placed in the Record on May 4 at page E3843—shows a reduction in overall executive branch civilian employment from last June through this past March of about 65,000. In 7 months there were reductions; in 2 months there were increases, reflecting seasonal and other temporary factors. But the aggregate is down by some 65,000.

Limiting the figures to full-time employment, last June there were 2,633,000 employees in the executive branch. In March 1970, there were 2,572,000, a reduction of about 61,000. The March figure is considerably under the budget planned figure for June 1970.

Some detail by agencies and departments of the changes is given in my remarks in the May 4 Record.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BOW asked and was given permission to revise and extend his remarks.)

Mr. BOW. Mr. Chairman, the distinguished gentleman from Texas, the chairman of the Committee on Appropriations (Mr. MAHON) has reported on this bill and has given us a very fine explanation of the details. There is little left for me to add.

But I do say to the gentleman from Illinois, who is concerned about the reduction in the number of personnel, that I

do not have the figures before me. However, I am sure that the gentleman from Texas, who puts out these lists each month, could recall that there were many suggestions made about how the previous administration was going to reduce employment. But employment still continued to grow.

Now, I do not believe we are going to have a \$15 billion deficit. That is certainly not anticipated. There has been some indication that we may expect a slight surplus under the unified budget, and this is a different situation than we have had in the past.

The gentleman from Texas has also made a point with respect to the use of the unified budget. However, if you examine the unified budget, the same budget we are using now, in the last year of the Johnson administration, you find we had a deficit of \$25 billion. Therefore the problem is not the unified budget, and when you talk about the increase in the public debt, and the increase in interest, you must also go back and look at the deficits of the previous administration. Past deficits are the reason we are faced with this public debt situation today. It isn't the use of a unified budget.

Now, the gentleman from Texas has also referred to the limitation on designated uncontrollables. I am concerned about this limitation, although I will support it. Any ceiling on uncontrollables is almost a contradiction in terms. Let us look at our experience in 1970—and I might say that I supported this kind of limitation for that year. Our experience with that ceiling on uncontrollables should have certainly taught us the lesson that we cannot do much with these items. By the time President Nixon took office and submitted his revised budget last April the amounts for these items had been increased by at least \$1.6 billion over the original Johnson budget submitted 3 months earlier.

By this February, when the 1971 budget was submitted, the estimate for 1970 uncontrollables had been revised again by adding at least another \$4.3 billion.

Further increases are now apparent. No ceiling is going to prevent these costs from increasing. Only a responsible fiscal policy that is adhered to for a number of years will ultimately correct this problem.

However, a ceiling may help to focus attention on what is going on. It does mean that every time a further adjustment is made we are reminded of what is happening.

As the budget director told us on April 13, the interest on the public debt was estimated at \$16.8 billion in January, 1969. By February, 1970, it had risen to \$18.8 billion and it now looks like as if that estimate must be further increased by \$400 million.

No one has any real control over these designated items in the budget. I think it is almost futile to put a ceiling on these uncontrollables.

May I also comment on the latest estimate I have received of the cost of interest on the national debt. Take your watch and look at the sweep-second hand. Every time it goes around—each minute—you will have paid \$35,769 for

interest on this debt. Those who are interested in cities and in other spending issues, should consider that \$35,769 that you are now paying every minute for interest. Think of what you could do with those moneys.

So this deficit spending must come to an end. We have to do something to try to and reduce this debt. The amount is now some \$374 billion. Do you realize how much that is? The gentleman from North Carolina (Mr. JONAS) has an example which he has used in the past and which I have used that illustrates the sharp difference between a million dollars and a billion dollars. If you were to give your wife a million dollars and tell her to go and spend \$1,000 a day she would be back in 3 years for more money. But, if you gave her a billion dollars and told her to go and spend \$1,000 a day—\$1 billion—you would not see her again for 3,000 years.

This is how much of a difference there is between a million dollars and a billion dollars. Our debt is \$374 billion.

We must begin to reduce this debt so that instead of using these moneys for interest on the debt, we can begin to use them for the benefit of the American people.

Again I say I support this bill, and I hope the bill will pass without amendment. We have now been notified that there is going to be an amendment offered which was never considered in the committee. We knew nothing about this amendment until we came to the floor today, and I hope the Members will defeat it when it is offered.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. I am looking at the appropriation provision on page 5 of the bill, "Commission on Population Growth and the American Future."

How long has this Commission been in operation, without having produced a program?

Mr. BOW. I would ask the gentleman from North Carolina (Mr. JONAS) to respond to that. It is in his bill.

Mr. GROSS. I am asking about this Commission on Population Growth and the American Future, and why \$700,000 should be carried over or transferred without a program having been provided to the committee—which apparently is the reason. Why not just cut it out until they come up with a program rather than continue the \$700,000 for it?

Mr. JONAS. I did not hear the gentleman's original question.

Mr. GROSS. Why is the \$700,000 being carried over, apparently protected by a waiver of a point of order? Why not just withhold the \$700,000 until they come up with a program? How long have they been in operation without providing a program?

Mr. JONAS. This is a brand new organization. It is a subject about which a considerable amount of current discussion is going on. They had originally requested funding for the entire 3 years and we reduced that. We did not wish to unduly delay this program because of the extent of current concern, but believed further planning was necessary. This

title in the bill is not protected by a waiver of points of order.

Mr. GROSS. My question is, Why not cut out the \$700,000 until they provide a program? Why should it be continued? That is the point I am trying to make.

I note there is \$200 million-plus for the Inter-American Development Bank. It seems to me that the time is coming when we are going to have to stop appropriating to these international financial institutions. It seems to me a savings could have been made there without a bit of trouble. I do not understand \$2 million more for the National Foundation on the Arts and Humanities. Did they not receive \$20 million last year?

Mr. BOW. Yes.

Mr. GROSS. Why another \$2 million for that?

Mr. BOW. I believe this is for the pay increase.

Mr. GROSS. It seems to me this is one place where they could certainly have chopped off some employment to take care of the \$2 million.

Mr. BOW. I would like to correct the statement I made. The \$2 million is not for the pay increase.

Mr. GROSS. What did you say?

Mr. BOW. I had said to the gentleman that this amount was to take care of a pay increase, and I was in error. It is not a pay increase. It is an additional appropriation.

Mr. GROSS. So it is another handout of \$2 million?

Mr. BOW. The funds are to match gifts made from private corporations.

Mr. GROSS. Is that not nice? How helpful is it? It just causes us to put up another \$2 million. We are talking about controlling the outflow of money from the Federal Treasury, trying to stop inflation, and it is not going to be stopped this way, Mr. Chairman.

Mr. BOW. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. RHODES).

(Mr. RHODES asked and was given permission to revise and extend his remarks.)

Mr. RHODES. Mr. Chairman, I am informed that there will be an amendment offered by my good friend from Massachusetts which will have approximately the same effect as the various amendments might have had to the military authorization bill which we passed on yesterday had those amendments been adopted. I am sorry the gentleman intends to offer the amendment, but I recognize his sincerity and his right to do as he pleases. I am sure that he feels strongly, and as a Member of Congress doing his duty, he feels constrained to do this.

There were no such amendments offered at the time the American forces in Vietnam were increased from the 653 in Vietnam when President Eisenhower left office, over 16,000 by the late President Kennedy.

There were no such limitations offered when President Lyndon B. Johnson decided to bomb North Vietnam. In so doing he extended the war to North Vietnam a real escalation, but there were no such limitations offered which would have had the effect of inhibiting the freedom of the Commander in Chief of



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the Armed Forces of the United States, in conducting the war which he felt was authorized by the Gulf of Tonkin resolution adopted by the Congress of the United States. There were no such limitations offered when this same President raised our troop level in Vietnam from time to time until it reached 546,000, as it was when President Nixon was inaugurated.

In my opinion this limiting amendment, if adopted, would have the effect of inhibiting this President of the United States in conducting the operations in Southeast Asia which were authorized by the Congress under the Gulf of Tonkin resolution.

Let me say first that I am no hawk. As a matter of fact, I do not think anybody wants to end this war in Vietnam any more quickly or urgently than I do. I have one very personal reason for wanting to end the war, in the shape of my son, who is now serving as a captain in military intelligence in Vietnam. I have other, and perhaps even better, though less personal, reasons for wanting to end it. I feel very strongly that the world will little note nor long remember who controls Southeast Asia, but I think the world may long remember what was done in this particular period in history to keep the United States of America strong in all areas of defense, so that no enemy with more sophisticated weapons than those possessed by the North Vietnamese or any other such country might, by miscalculation, think it could earn a cheap victory over us and thereby find its way to world domination.

To me that type of preparation is the most urgent duty which faces the President of the United States of America today. That is the main reason why I yield to no one in my desire to get out of the Vietnamese involvement just as rapidly as we can, because the effort and treasure spent there could and should be spent in deterring and preventing a conflict much more deadly to our Nation and to the entire world than the one in Vietnam.

Let us look at the situation as we find it, because we cannot change it. Whether we like it or not, we are in Vietnam. If we decided today to get out of Vietnam, we could not possibly do it for weeks and months, because the physical facilities for moving that many troops and their equipment are not available. So we might as well look at the situation as it is.

I was in Vietnam about a month ago. I started with the IV Corps in the Mekong Delta, and I went to the III Corps, to the II Corps, to the I Corps along the DMZ. I also went into Laos and spent 2 days in that country. I intend to report to the House at greater length, when it becomes possible for me to have the time free from Appropriations Committee hearings to prepare it properly.

I am pleased to report to the House now, however, that I have never seen and I do not think anybody else has ever seen finer troops or a better equipped Army, Navy, and Air Force than I saw in Vietnam. I never have seen better morale among fighting men than I saw among the American men in South Vietnam. I never have seen people more dedi-

cated to the task they were performing or better able to perform that task than I saw among the troops wearing the uniform of the United States of America in South Vietnam.

I can also report that a very definite part of their everyday life, their routine and objective, is Vietnamization. Major General Wright, the distinguished commanding general of the 101st Airborne Division a division well known for its fighting qualities, but not so well known for its peaceful pursuits, was most emphatic in telling me that his main mission today is Vietnamization, that he is responsible for training the popular forces and the regional forces in South Vietnam so that they may take over and keep the country free once the Americans have gone.

I saw this all. Vietnamization is working. The 1st South Vietnamese Infantry Division, is an outfit which can stay on anybody's battlefield, and any American officer will tell you this is so.

There are several other Vietnamese divisions which are almost up to that stage of training. So we are seeing the plans of President Nixon to get the United States out of Vietnam, by Vietnamization, working. They are working. Vietnamization is working. But it does take time.

It has been well said by many of us here on this floor and many people who are not Members of this body that the proof of the pudding on Vietnamization will come in some few months when the second 150,000 troop increment has been removed from that country. Remaining in the country will be American troops—mainly communications, maintenance, and supply troops. This is when the danger may come. This is when the North Vietnamese may decide they can strike quickly at our diminished force, humiliate the United States of America, and earn a cheap victory. The real metal of the South Vietnamese will be tested, when they try to defeat this attack, which I predict will come from the North Vietnamese, at the time when the balance of American troops in South Vietnam is such that the people who are the rulers of North Vietnam will deem the time proper and right for the success of such a mission.

The President of the United States knows this. The Secretary of Defense knows it. Practically everybody who is in the defense business in the Congress knows it. We have been worried about this fateful day when we might be faced with that type of situation. We all want to do everything possible to insure that this attack, when it comes, will be unsuccessful.

The neighboring nation of Cambodia for many months has been an unwilling sanctuary for troops of North Vietnam. At the end of the Ho Chi Minh Trail and the Sihanouk Trail supplies were cached, in South Vietnam at first but later also in Cambodia, in a sanctuary which our troops and allies did not hit. They did not hit it because Cambodia was a neutral nation. So as a result the supplies were built up in these areas, and as a result those areas of South Vietnam to Cambodia, particularly in the IV Corps Mekong Delta, became strong-

holds of the Vietcong and the North Vietnamese.

Not too many months ago the situation changed, because Prince Sihanouk, then the ruler of Cambodia, was able to see that his people did not like the idea of so many Vietnamese being on their territory. He could see there were so many of them and they were so well equipped that they were a danger to his own regime. So he started to cut off the supplies which came through the port of Sihanoukville. He asked Russian and China to order the North Vietnamese to leave.

Later on, as we know, when he left the country, he was overthrown and another government came in, which not only continued to cut off the supplies at Sihanoukville but also cut off the Sihanouk Trail. They let it be known they expected the North Vietnamese and the Vietcong to quit using Cambodia as a sanctuary.

This put the North Vietnamese to the test, because they had some pretty agonizing decisions to make. One alternative, of course, was to withdraw troops before they used up their supplies and get them out of danger. A second alternative was to stay in place and try to supply their people as they now are. A third alternative is to attack, widen their area of domination, and increase their supply systems capability. Soon, movements of North Vietnamese into the interior of Cambodia, and toward Sihanoukville, made it apparent that Hanoi had chosen the third alternative, and were trying to turn Cambodia into a real supply and operations bastion of communism.

Such a bastion would outflank the Mekong Delta and the Saigon area. The delta situation had so improved that American troops had been pulled out. The improvement had accelerated after the closing of Sihanoukville.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. BOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. RHODES. Sihanoukville supplied the IV Corps, which is the Mekong Delta of Vietnam, and the III Corps, which is the area in which Saigon is located, with many goods and supplies. In fact, we are told that the IV Corps got 75 percent—of its supplies and equipment through Sihanoukville, and the III Corps got 50 percent of its supplies and equipment through Sihanoukville. Thus, this was a very important port. No wonder the North Vietnamese would be most anxious to reopen it.

So the thing which they did, after they were faced with this decision, was to widen the area which they occupied in Cambodia to start a drive in the general direction of Sihanoukville.

It was at this time and this time only that the President of the United States and, I am sure, the President of South Vietnam went through a rather agonizing reappraisal. As long as the troops who occupied these sanctuaries were in relatively small pockets, there was not an overwhelming danger that could not be contained, even by our diminished forces after the 150,000 troop withdrawal, and the South Vietnamese. Now, when you start connecting those pockets, and building it up into a continuous chain

of supply depots, increasing the capacity of the Ho Chi Minh Trail, then it becomes apparent that Cambodia is about to become a real arsenal for attack against the South Vietnamese and the remaining Americans. It was at this time and at this time only that the President of the United States and the President of South Vietnam came to the conclusion that this was a risk to the lives of our men which they could not and would not take. So, as a result, the operation which is now in progress was decided upon, and begun.

Now let us look at the North Vietnamese. Many people are saying that the United States is an invader and an aggressor in Cambodia. Let us deny that right now, because the North Vietnamese are the aggressors. They are the ones who are there illegally. Nobody asked the United States and South Vietnam to get out of Cambodia. They have asked the North Vietnamese to do so. So, if there is any law involved, it is on our side.

It is also being said that we made this move because we want military victory. I say this is not true. They are there because they want military victory. They are not talking in Paris because they want military victory not a negotiated settlement. The Nixon administration has not changed its previous pronouncements that what we are doing in South Vietnam is trying to create a climate whereby the South Vietnamese themselves can choose and keep the type of government which they, the South Vietnamese, want. I recognize the fact that the gentleman from Massachusetts' amendment will apply only to fiscal year 1971, which begins after July 1. However, it has been well said—and the President of the United States said it himself—that these American troops will be out of Cambodia before June 30. What assurance do we have that if we give an open invitation like this for the North Vietnamese to return to those areas, they will not do it? What you are doing here, then, is to say, "All right, Mr. Nixon. You go ahead and blow up the privileged sanctuaries and the bunkers and confiscate the supplies and all that, but only in fiscal year 1970. After that you will get out and you cannot go back. You cannot go back under any conditions." But you say to the North Vietnamese that they can come back and use this again as a privileged sanctuary, from which to attack and kill our diminished forces.

I submit to you that this makes no sense. If we are going to put up with that kind of thinking, which caused the situation which occurred on the floor yesterday—and I am afraid which will occur here today—then maybe the Congress of the United States ought to look at its hole card and realize that we are actu-

ally giving encouragement to the enemies of this country which they do not deserve. We are prolonging the war, not helping to end it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. RHODES. We are making it possible for them actually to increase the number of American casualties in South Vietnam instead of decreasing them.

Mr. Chairman, I will close by saying what I said when I started out. There is nobody who wants to get out of South Vietnam any faster than I do, but I want to get out after accomplishing the national objective by taking the process of Vietnamization through to its culmination, which will be when the South Vietnamese really can defend themselves against North Vietnamese aggression. I am satisfied that we will be able to do it, and we are all working toward that end. The morale of the South Vietnamese is magnificent.

When I was there in 1964, every South Vietnamese I met gave me the impression that he thought every North Vietnamese was 9 feet tall and there was not any possibility that they could be defeated by the South Vietnamese on the battlefield or any other way. But, now it is different. They have confidence. They know they can do the job because we have helped them get the arms and equipment with which to get the job done.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. McCLOSKEY. I am disturbed about the question as to the estimate as to how long it will take Vietnamization to work.

Mr. RHODES. I only yield to the gentleman for a question.

Mr. McCLOSKEY. Let me give the gentleman the question.

The present strength of the South Vietnamese under arms is 1.2 million men. The strength of the North Vietnamese and Vietcong has never exceeded 270,000. We have about a 4-to-1 or 5-to-1 strength advantage today and we have at least a 4-to-1 superiority in numbers along the Vietnam and Cambodian border.

How long does the gentleman feel it will take for the Vietnamese in the III and IV Corps areas to be successful so that the South Vietnamese can hold off this smaller number of North Vietnamese?

Mr. RHODES. I do not wish to play the numbers game. All I can say to the gentleman from California is that the South Vietnamese have made great strides in their training and in their equipment. They are much better now than they

were in 1964 when they had 700,000 men under arms. They are making a great effort and they are united in their purpose. I believe they will succeed, and do so in a reasonable time.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MAHON asked and was given permission to revise and extend his remarks.)

#### TROOPS IN CAMBODIA

Mr. MAHON. Mr. Chairman, I understand that an amendment will be offered relating to the utilization of American troops in Cambodia. I further understand that certain substitute amendments may be offered.

My feeling is that we ought to have a sharp up or down vote on the issues involved.

It has been suggested by some that we might have a limitation offered to the title V expenditure limitation reading about like this:

Of which expenditures none shall be available for use by American combat forces in Cambodia, unless the President shall report to the Congress that such ground forces are necessary to protect the lives of the American troops remaining within South Vietnam.

I believe the House ought to vote down all amendments of this type. We should not undertake to fix war strategy on this appropriation bill.

The President as Commander in Chief of the Armed Forces is committed to take all appropriate steps to save American lives and bring the war to an honorable conclusion at the earliest possible date.

I would think that a vote for an amendment of the character which is being proposed would represent a vote of no confidence in the President. I do not believe that such an amendment would be meaningful or helpful. I think it would tend to worsen our already complex and difficult situation.

Mr. Chairman, I appeal for the support of the House.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. BOW. I quite agree with the gentleman. I would hope that we could face this one issue, the amendment that is going to be offered, as it is and without watering it down. Let us face right up to this question. I hope that no additional amendments or substitutes will be offered, so that we can vote this question up or down.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. ARENDS. Let me state to the gen-

look she was scheduled to speak to a group of college students.

Says the Washington Star, in concluding its puerile editorial:

She might be disappointed in the spreading urban blight and the multiplication of beer cans on the landscape, but the country is strong enough to spare her a look.

Yes; this country is strong enough, but if given the chance she would probably be glad to take up residence among the beer cans, and why should this Government expend the slightest energy and expense on throwing this ingrate out of the country and returning her to Egypt?

Our compliments to Attorney General Mitchell and the Justice Department for rejecting this visa application, and a Bronx cheer for the jellyfish in the State Department who would creep and crawl to any adult American, man or woman, who willfully and willingly renounces his or her citizenship to carry the torch of communism.

Mr. HALL. Mr. Chairman will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend, the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, generally I would like to associate myself with the remarks of my colleague, the gentleman from Iowa, but I wonder if the gentleman could define a little more clearly what he means by a Bronx cheer? (Pause.)

I will relieve the gentleman of that definition inasmuch as the gentleman is in the well of the House. But in all seriousness, I would like to know what the gentleman means when he said Madam DuBois "threw up" her citizenship and fled to Ghana. Does the gentleman mean threw up in the sense that one eructates, spews, or vomits forth?

Mr. GROSS. Yes, she renounced her citizenship, she threw it up.

Mr. HALL. Oh, I understand.

Does the gentleman recall numerous private bills that have come before us on the House Calendar either to cause us to allow people without citizenship to remain in the United States, or a long list of names in a bill which, if not acted on, allow the Department of Justice and/or the Attorney General to bar deportation? And does the gentleman not feel that if Madam DuBois or this "puerile" person who may be attempting to come back, and who did vomit forth and voluntarily renounce her citizenship, might become one of these "private bills" edited by some "bleeding heart" or social do-gooder, so that we would have to work our will on this House floor and keep her in the United States among the beer cans?

Mr. GROSS. I have no doubt that had she been permitted to come to this country, the Congress would have been faced, sooner or later, with a private bill to restore her citizenship.

Mr. HALL. We need another "kook" like this back in this country like we need an extra hole in the head. Let us "throw-up" a bar against her return.

Mr. GROSS. The bar is already up and I hope it stays up. I thank the gentleman for his comments.

I would point out that in this bill there is \$892,000 in additional money to the Immigration and Naturalization Service to provide for unanticipated costs of transporting, detaining, and expelling illegal aliens.

The Clerk will read.

The Clerk read as follows:

#### RELATED AGENCIES

#### OFFICE OF EDUCATION

#### CIVIL RIGHTS EDUCATION

For an additional amount for "Civil Rights Education", including not to exceed \$250,000 for salaries and expenses, \$5,000,000.

Mr. ROONEY of New York. Mr. Chairman, I would like to explain this item with regard to the Office of Education.

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROONEY of New York. Mr. Chairman, I merely wish to state that I personally was in favor of the full amount requested for the item "Civil rights education, Office of Education."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1970, for increased pay costs authorized by or pursuant to law, as follows:

Mr. MAHON. Mr. Chairman, in view of the fact that title II relates only to increased pay costs which have been explained in previous debate, I ask unanimously that title II be considered as read—title II goes from line 11 on page 17 through line 11 on page 47—and I also ask unanimous consent that the title be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any points of order to this particular title?

Mr. BOW. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 106]

Addabbo	Foley	Ottenger
Andrews, Ala.	Ford, Gerald R.	Poage
Ashley	Fraser	Follock
Baring	Gilbert	Price, Tex.
Bell, Calif.	Hagan	Pryor, Ark.
Berry	Harsha	Robison
Blatnik	Jarman	Roudebush
Bray	Johnson, Calif.	Schneebeli
Brown, Calif.	Jones, Ala.	Sikes
Carter	Kazen	Stubblefield
Celler	Kee	Taft
Chisholm	Kirwan	Teague, Calif.
Clark	Langen	Teague, Tex.
Clawson, Del.	Lloyd	Tunney
Clay	Lujan	Waggonner
Corbett	McCarthy	Whitten
Cramer	McClory	Wiggins
Dawson	McMillan	Wilson,
de la Garza	Madden	Charles H.
Dent	Melcher	Wold
Dickinson	Meskill	Wright
Diggs	Mollohan	Yatron
Dowdy	Moorhead	Zablocki
Fallon	Murphy, Ill.	
Flowers	Murphy, N.Y.	

Accordingly the Committee rose; and the Speaker having resumed the chair,

Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17399, and finding itself without a quorum, he had directed the roll to be called, when 357 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

#### TITLE V

#### LIMITATION ON FISCAL YEAR 1971 BUDGET OUTLAYS

SEC. 501. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1971, shall not exceed \$200,771,000,000: *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the Budget for 1971 (H. Doc. 91-240, part 1), the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on budget outlays, and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on budget outlays of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted, and reports, so far as practicable, shall indicate whether such other actions were initiated by the President or by the Congress.

#### AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 53 on line 25 after the amount, insert the following: ", of which expenditures none shall be available for use for American ground combat forces in Cambodia."

Mr. BOLAND. Mr. Chairman, I know that most of the Members now in the Committee will feel that we have been here before on this amendment—and so we have, almost. But there is, I think, a difference.

If the members of this Committee will glance at the bill, they will know that the amendment I have offered pertains to title V of the bill, and that refers to expenditures for the fiscal year 1971.

I made no effort, and none of the Members on this or on the other side of the aisle have made any efforts to limit expenditures in the fiscal year 1970.

So, Mr. Chairman, this is a very clear-cut issue. All the histrionics on this matter were wrung out yesterday. I think the suggestion made by the chairman of the full Committee on Appropriations, the gentleman from Texas (Mr. MAHON) that we ought to meet this issue head on now, and not freight it down with amendments to my amendment, but just vote up or down on the amendment I have offered.

What I have offered here is precisely what the President of the United States says he wants to happen. He indicated that it was his desire, his hope and ac-



tually his command, when he met with the members of the Committee on Foreign Affairs of both Houses, and the Senate and House Armed Services Committees, that American combat ground troops would be out of Cambodia in 6 to 8 weeks.

So he still has that opportunity to fulfill that promise to the American people, to the Congress, and to the committees of Congress. This amendment does not restrict that desire.

The amendment that I have offered deals solely and only with expenditures in fiscal 1971. Someone asked me, when I offered this amendment a moment ago, "Why offer this amendment now?" Because I believe that this is one vehicle and one way in which the Congress itself can assert its own prerogatives and its own power in a matter that directly concerns this Nation in a very vital way. This is an appropriation bill. This is a proper place for this kind of an amendment; this amendment pending the expenditure of funds in fiscal year 1971. It prohibits expenditures in fiscal year 1971 for American combat proposed troops in Cambodia.

As a matter of fact, in the Defense Department appropriation bill of 1970 there was a similar amendment which was offered in the other body which ask accepted in conference and by this House. It related to the countries of Laos and Thailand.

This amendment relates solely to the country of Cambodia, the area that is now giving this Nation so much frustration, so much anxiety, and so much pain. This is one way to help alleviate, in my judgment, some of the pain, some of the frustration, and some of the anxiety that is now developing all over this land.

We are not touching the funds for 1970, only 1971. Over the past year, over the past couple of years, not alone in this administration, but the past administration, we have been told that we can build up the forces in South Vietnam and that ARVN with its own troops and the great amount of equipment the United States has supplied to them to take care of the situation in South Vietnam.

Let me say that with the standing army the South Vietnamese now have, and with immense amount of equipment and materiel that we now have sent them, if they are not now able to defend their own areas in Saigon from some of the sanctuaries that were in Cambodia, they never will be able to do it. We have gone in, I believe the present campaign has met with some degree of success, in cleaning out the sanctuaries of some hospital supplies, food supplies, munitions and huts. But before long the North Vietnamese will be back in the sanctuaries.

It would seem to me that the obligation now is upon the ARVN, the South Vietnamese Army, to defend its own positions if they are attacked from the sanctuaries. Let the ARVN troops go in and clean out the sanctuaries. We have done our part, as we are now doing, and which the President thinks will be a success. All of us pray it will be a success.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois.

Mr. YATES. In fact, the President himself said that the incursion into Cambodia was for the purpose of advancing his policy of Vietnamization. I do not know that it will, but that is his judgment and this amendment will give him the time he has said he will need.

Mr. BOLAND. Let me tell the Members of the Committee that this is the proper vehicle for this kind of amendment. I think all of us should join—Republicans ought to join with Democrats—in adopting this amendment and let the country know that the Congress does have a voice and does have a power in these matters. It most assuredly has an obligation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto conclude at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### GENERAL DEBATE

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all Members may revise and extend their remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GAYDOS. Mr. Chairman, I am gravely concerned about the President's decision to send American troops into Cambodia, a nation which heretofore has been adamant in her declarations of international neutrality.

I am not privileged to know what information led the President to order this action. I must, of necessity, therefore assume the President is doing what he believes is best for the Nation. However, I am unequivocally opposed to any future expansion of this conflict, or this Nation's participation in any conflict, until such time as the Congress is given all the whys and wherefores.

I question the reasoning for using our troops in Cambodia on the grounds that that country is a sanctuary for the Vietcong and North Vietnamese forces. This has been common knowledge for years. What I cannot understand is why the President will use American soldiers to invade this sanctuary when our forces are prevented from invading the principal stronghold of the enemy—North Vietnam.

Nonetheless, our troops are in Cambodia and there are predictions they will be out in 6 weeks or so. I wonder, I can recall a prediction made during the Korean conflict that American troops would be home before Christmas of a particular year. However, Red China entered the fray and Christmas was a long time coming.

I want no more Koreas, Vietnams, Cambodias or any other undeclared war started at the discretion of any President. I believe the authority to plunge this Nation into bloody battle should rest where it was placed by the Constitution—in the hands of the Congress.

I hope and pray this latest maneuver ordered by our Chief Executive does not lead to similar involvement in Laos, Thailand, Burma, or anywhere else in Southeast Asia where the threat of enemy activity is part of the everyday life.

Mr. DADDARIO. Mr. Chairman, I support the amendment of the gentleman from Massachusetts (Mr. BOLAND). The House of Representatives finds itself today in a position where it can by its action lower the level of tension which has been built up and which has reflected itself so tragically throughout our country as a result of the invasion of Cambodia by U.S. troops. The Congress does have a constitutional responsibility which it can assert by supporting the Boland amendment—but it can also show that it is sensitive to the emotion that is engulfing our young people because they did believe that President Nixon meant to withdraw from Vietnam—and are dismayed by his actions which now includes Cambodia in that tragic course.

The decision of the President to permit hot pursuit, or what he justifies as hot pursuit, into the nation of Cambodia, is to be deplored and condemned. It is based on military intelligence indicating that geographically this nation harbored threats to the American troops in Vietnam and that the elimination of these threats would somehow speed American troop withdrawal. No one could have greater awareness than I of the potential and the uncertainties of combat intelligence. At any rate the results of the Cambodian invasion as they have been reported do not appear to have warranted any enlargement of our combat activities into Cambodia. They certainly do not support the tragic domestic consequences which have followed in the wake of our expansion of the war in Southeast Asia.

An administration which came into power on the slogan of "Bring Us Together," seems to be trying to drive us apart. The lamentable confrontation—and the tragic deaths—at Kent State University reflect rising national tension as the administration reacts unwisely to increasing dissent to its policies. I find that nothing can be said to defend the policies of an Ohio State administration which authorizes live ammunition and deadly force to control student demonstrations. A full-scale investigation of this tragedy must now be held.

We in the Congress can be most helpful in this greater effort if we support Representative BOLAND's amendment for it does not interfere with the President's present actions in Cambodia, but it will prevent further involvement in that area after July 1 without the approval and consent of the Congress.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The recent decision of the President to extend the war in Vietnam to the neighboring nation of Cambodia constitutes, in spite of what the President has stated, a grave escalation of the war as well as a constitutional crisis.

The President failed to consult with either the Senate which has direct

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constitutional authority to "advise and consent" in matters of major foreign policy, or the House which holds the powers of the purse in all matters concerning Federal spending, including foreign and military assistance. The failure to formally consult with either House or, informally with any Members of the Congress, constitutes a grave slap at the only branch of Government most responsive to the changing attitudes of the people.

This failure of the President is not only an insult to Members of Congress and their constituents, but evinces an intention on the part of the President to assume greater powers than given him by the Constitution. Never before, has a President invaded another country without first consulting with Congress.

Furthermore, the President indicated that the reason for sending troops to Cambodia, an independent sovereign country, was that it was necessary to destroy the North Vietnamese headquarters operation as well as other enemy installations and materiel.

At this time the Cambodian operation has been a military failure as I shall point out.

In the past few days since the invasion, I have received hundreds of letters from constituents in Hudson County deploring the President's action. When I left my office, letters, telegrams, and phone calls were still coming in. Some were from people who had never before written to me. Some constituents were so enraged they called for the impeachment of the President.

The President has created a situation bordering on hysteria among many people who believed that he meant to deescalate and end the war, not create a new and larger one.

I am appalled by this unilateral decision to substantially enlarge and materially change the scope of what I always believed has been limited to a war in Vietnam. The President's decision runs the risk of a major conflagration involving all of Southeast Asia and China.

The President previously stated in his campaign that he advocated the deescalation of the war at an early date. It was largely upon that promise that he was elected. However, this new military adventure into Cambodia is not in fact a deescalation of the war in Vietnam, nor can it lead to its termination. Together with other recent acknowledgments of our unauthorized activity in Laos and Thailand, it is an ill-considered escalation and the possible beginning of a new war in Southeast Asia which could involve over a million men in a guerrilla war. I am opposed to this escalation in Southeast Asia.

On April 20, President Nixon promised to deescalate by withdrawing 150,000 men from Vietnam by the end of 1970.

On April 23, Secretary of State Rogers told a House Appropriations Subcommittee that the administration had "no incentive to escalate. Our whole incentive is to deescalate," said the Secretary.

He continued:

We realize that if we escalate and get involved in Cambodia with our ground troops that our whole (Vietnamization) program is defeated.

Moreover, the Secretary specifically stated that the administration would want to consult fully with the Congress because the administration recognized the need for public support.

It would seem obvious that in order to support our men in Cambodia, we would require the continued presence of at least the 150,000 men the President indicated would be withdrawn. Thus, this administration has created the greatest credibility gap of all.

The President indicated that the purpose of this invasion was to destroy enemy headquarters, military materiel and communications. As of this date no such headquarters have been found to exist, no major documents have been turned up, no important officers captured—the military materiel seized can be quickly and easily replaced.

The definition of success of this invasion has, therefore, intentionally been revised downward by the President. I understand that the "new definition of success" will involve military supplies and pounds of rice captured and installations destroyed. All can be quickly replaced or rebuilt within a short time.

Moreover, the military invasion ordered by the President, as recognized by the Secretary of State, so changed the character of our involvement in Southeast Asia that he was constitutionally bound to consult with and obtain the approval of the Congress before taking military action in Cambodia.

The Constitution specifically provides that the power to declare war and determine its strategic course rests with Congress.

The Founding Fathers were explicit in this regard. They were unwilling to bestow upon one man both the power to declare and the power to conduct a war.

I do not wish to obstruct the President in his duty as commander in chief, but neither will I, as a representative of the people who elected me, accede to the President powers conferred upon me by the Constitution and which the people of Hudson County expect me to exercise in their behalf.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

AMENDMENT OFFERED BY MR. FINDLEY TO THE  
AMENDMENT OFFERED BY MR. BOLAND

Mr. FINDLEY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The Clerk read as follows:

Amendment offered by Mr. FINDLEY to the amendment offered by Mr. BOLAND: In front of the period insert the following: "except those which protect the lives of American troops remaining within South Vietnam."

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAHON. I make a point of order on the ground that the amendment requires particular and special duties.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. FINDLEY. Mr. Chairman, I feel that it does not impose any specific

duties. No report is required. No determination is required. It applies simply to troops that are there for a specific purpose.

Mr. YATES. Mr. Chairman, I make the further point of order that it is legislation on an appropriation bill.

The CHAIRMAN (Mr. O'HARA). The Chair has examined the proposed amendment to the amendment. In the opinion of the Chair the proposed amendment to the amendment constitutes an exception to the limitation that was offered by the gentleman from Massachusetts, does not constitute additional legislation, and is germane. Therefore the Chair overrules the point of order.

Mr. FINDLEY. Mr. Chairman, I ask unanimous consent that the Clerk read the Boland amendment as it would be amended by my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Boland amendment as it would be amended by the Findley amendment as follows:

Amendment offered by Mr. BOLAND of Massachusetts as amended by the Findley amendment: On page 53 on line 25 after the amount, insert the following: ", of which expenditures none shall be available for use for American ground combat forces in Cambodia except those which protect the lives of American troops remaining within South Vietnam."

Mr. FINDLEY. Mr. Chairman, I would hope that no Member of this body would wish to leave the impression, by supporting any amendment today, that subsequent to July 1 he would wish the President of the United States as Commander in Chief to fail to do what he feels is necessary to protect the lives of American troops remaining in South Vietnam.

That is why I propose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY) to the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and on a division (demanded by Mr. FINDLEY) there were—ayes 50, noes 87.

So the amendment to the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, as I understand the Boland amendment it would give the President some 7 weeks to conclude American military operations in Cambodia. I believe this is reasonable, and hence I support the Boland amendment. I believe that beyond that time, if the President feels the strategic interests of this country are really on the line, he should then do exactly what the Constitution requires; that is, come before this body and seek formal congressional authorization to proceed beyond that point.

The other day in our subcommittee of the Appropriations Committee we had as a witness the AID Director from Vietnam. He made the comment to me that his wife had been with him in Saigon for the past 10 months, and had just come

back to Washington, D.C., and he said she actually feels safer on the streets of Saigon than she does on the streets of Washington, D.C., our Nation's Capital.

What a sad admission this is, that we should devote so much effort and attention to Southeast Asia that we should actually make the streets of Saigon safer than those of our Nation's Capital, or Detroit, or Los Angeles, or of any other major city in this country.

I believe that in supporting the Boland amendment we have an opportunity to regain our proper constitutional authority in the formulation of national policy.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman I rise in support of the amendment by the gentleman from Massachusetts (Mr. BOLAND) to prevent the expenditure of the funds under this act after July 1, 1970, for ground combat operations in Cambodia. The President has said that our Cambodian adventure is no open-ended arrangement. All this amendment seeks to do is to guarantee that fact.

The President has said that we will be out in 6 weeks. This amendment takes him at his word. It gives him the time he asks for and no more. I believe that is a reasonable compromise and it deserves the support of this House.

(Mr. OBEY asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. RHODES).

(Mr. RHODES asked and was given permission to revise and extend his remarks.)

Mr. RHODES. Mr. Chairman, let there be no doubt about this. The North Vietnamese troops who are in Cambodia, are just as much a part of the war in South Vietnam as if they were stationed there permanently. They fight in South Vietnam and kill Americans there. They should be hit.

If these bases are not hit they will become the nucleus of a Communist supply and operations bastion which will seriously threaten the diminished American forces remaining behind after the next 150,000 increment is withdrawn.

There are many fine young Americans in Washington today protesting the action in Cambodia. I defend their right to do this, though I disagree with them thoroughly.

I sincerely hope that none of them will ever have to serve in Vietnam. If they do, I hope they will not be among those left after the next 150,000 Americans are pulled out. If they are a part of that diminished force, I hope they will not be threatened and perhaps overrun by troops operating from privileged sanctuaries in Cambodia. If this should occur, I am sure that each such person would regret the success of the effort in which he, and Members of this body, are engaged today.

The facts are that any American soldiers who is in that diminished force, if these privileged sanctuaries are allowed to remain, will be in very grave danger. That is the precise reason the President

made this difficult decision—to protect American lives—American soldiers who may, in the future, serve in Vietnam.

I say we should defeat this amendment, because if we keep saying to the North Vietnamese that you should come on back after we blow up these sanctuaries and make more sanctuaries and say to the American Government that you cannot go in and destroy them, it is no way to protect American lives.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. The gentleman from Arizona, my very good friend, premises his argument on the fact that there should be a permanent force of North Vietnamese in Cambodia and says therefore we ought to allow a permanent force of American troops in Cambodia or else permit them to come back at some time in the future if they are needed.

Mr. RHODES. Will the gentleman yield?

Mr. YATES. I will not yield.

Mr. RHODES. The gentleman is putting words in my mouth that I did not say.

Mr. YATES. I decline to yield. Let me finish my statement.

The President of the United States himself has said that he is going to stay in Cambodia for 6 to 8 weeks. We have taken him at his word by this amendment. The gentleman from Massachusetts proposes a limitation of funds for the appropriations beginning July 1, 1970, and to continue through the next fiscal year. The President would be permitted to have American troops in Cambodia to carry on their duties until June 30, 1970.

Mr. Chairman, I rise in support of the Boland amendment. I am opposed to President Nixon's decision to send American troops into Cambodia. The gentleman's amendment would limit the Cambodian expedition to June 30, 1970; it would permit the President the 6 to 8 weeks he said he would need for his purposes there.

Mr. Chairman, together with the country, I was shocked by President Nixon's decision to invade Cambodia. I thought it was an unfortunate reversal of the winding-down policy that we had been led to believe that the President was promulgating and that we were on our way to bring our troops out of Vietnam. His announcement that he had ordered the withdrawal of 150,000 American troops was accepted as being in line with this policy and then suddenly without consulting the Congress, instead of winding down the war, the President escalated it by sending American boys into Cambodia.

I consider the President's action to be ill-considered, an action that will factionalize the country to an even greater degree than it is now and will loose explosive forces. It will exacerbate tensions that were quiescent. One has only to look at the press to see that every university campus in the country has been stirred into reaction against his decision.

Mr. Chairman, earlier today, I was visited by a young man who lives in my district, Peter Temple, who attends Haverford College. I was impressed by the young man. He said that the students at

Haverford College were determined not to resort to violence, but they had to have some vehicle or path to follow to indicate their profound opposition to the President's decision. The whole college, all the students and the faculty, have decided to come to Washington today to speak to their Congressmen quietly, earnestly, to let them know their views in opposition to what the President has done. Peter gave me a statement of purpose issued by John R. Coleman, president of Haverford College; Thomas L. Gowen, president of the student council, and Stanley J. Murphy, past president of the student council. They announced their purpose as being "to express to our representatives the full depth of our concern for what the Cambodian crisis is doing to American life, and to learn from them what we can about that crisis."

They added:

We take this unusual step of moving almost the entire College to Washington because we see no other way to respond rationally and creatively to this crisis. We have already seen the frightening consequences from the enlargement of the war in Southeast Asia. We have seen much of the educational process undermined in this past week as doubts, fear, and bitterness take over on campus after campus. We reject the thought that it is "bums" who fail to see the logic in widening a war in order to narrow it. We assert that it is thoughtful men everywhere that are troubled by the path now being pursued in Vietnam and Cambodia.

We come to Washington, as members of an educational community, to speak out and to learn. We do not pretend to have any easy answers on which we unite. But we are united in our determination to act with courage, sense, and taste in expressing fear about what is now going on and hope about what Congress can do to save us from further calamity in Asia and further division at home.

Mr. Chairman, we must give the young men and women of this country the opportunity to express themselves and to know that their duly elected representatives are listening to them. This resolution offers that opportunity.

The day will come, Mr. Chairman, when the Executive will consult the Congress before taking the country into war, when Congress will insist upon it as we seek to do today in measure by the Boland amendment. The President should have done so in this instance before he ordered American boys to Cambodia. The constitutional provisions are clear. We cannot abide unilateral action of this kind by any President.

The gentleman from Arizona (Mr. RHODES) has stated that North Vietnam has stationed a permanent force in Cambodia. He argues, therefore, that the President should be able to move into Cambodia at will to battle that force as frequently as he wishes to do so. Such an argument gives substance to the fear that many Americans have that Cambodia has become a permanent battleground of the widened war, that if the President feels justified in moving our Armed Forces across boundaries of nations without the approval of Congress, he can do so if he deems it advantageous to advance our position in the war. Such an argument assumes the rightness of invading Cambodia not once, but as often



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as he desires to carry the war into Thailand or into such other countries as he deems necessary to support our goals in that war, all this without congressional approval. Such a thesis violates the Constitution and places too much power in the hands of the President. I am opposed to the doctrine of "the moving sanctuary" of attacking sanctuaries no matter where they may be.

I believe we ought to end the Cambodian invasion as quickly as possible and bring an end to this new Nixon doctrine. I will support the amendment of the gentleman from Massachusetts to limit our intervention.

Mr. Chairman, I discussed the situation in my recent newsletter to my constituents in which I said:

President Abraham Lincoln told the story of his friend from Illinois who was a member of a group of visitors to the state penitentiary. After the group had viewed the entire institution and was preparing to leave, Lincoln's friend became separated and suddenly found himself alone and lost. Finally, after wandering through the corridors for a while, in desperation he turned to a convict who was looking out from between the bars of his cell door and cried: "Say, how do you get out of this place?"

We have been trying for a long time to get out of the war in Vietnam but without success. In 1965 when large contingents of American troops were sent to Vietnam, briefings were initiated by the President for members of Congress at which "experts" from the Department of State and the Department of Defense would advise us on what was happening in the war. When we inquired, as we invariably did, how long they thought the war would last and whether there was any possibility of reaching an agreement with the other side of a ceasefire, the answer given was that there was no telling how long the war would last, that it would end not by any agreement but by the enemy "just fading away" after having encountered the massive power of our armed forces.

The war, of course, has not faded away and it does not appear likely to do so in the near future. Rather than disappearing, it has suddenly taken new force and shape with major fighting in Laos and Cambodia.

It was against this background that President Nixon made his statement on Vietnam last week, a statement that left many questions unanswered. Although he said nothing in so many words about the United States moving into Cambodia, his subsequent approval of sending captured communist weapons to the Cambodians, followed by Secretary of State Rogers' condemnation of the outbreak of fighting as "an invasion" would seem to indicate the President is flirting with intervention, an act which I believe would be disastrous and would escalate the war. I have written to President Nixon voicing my strong objection to any such participation on our part.

In his statement President Nixon reaffirmed his policy of Vietnamization which is supposed eventually to shift the entire burden of carrying on the war to the forces of South Vietnam without the continued assistance of American troops. But it is such a long process. Even with the withdrawal of 150,000 Americans under the President's order over the next 13 months, at this time next year there will still be 250,000 American boys in service in Vietnam, many of whom will lose their lives as the war goes on. If peace is to come, it must come through agreement rather than Vietnamization.

Although the Paris conference is presently at an impasse and although the President's statement discounted the chances for any

fruitful discussions in this forum, I found some hope in the passage from his statement which read:

"A fair political solution should reflect the existing relationship of political forces within South Vietnam. We recognize the complexity of shaping machinery that would fairly apportion political power in South Vietnam. We're flexible. We have offered nothing on a take it or leave it basis."

If this passage means what it seems to say, it opens a whole new negotiating front because it indicates the President is not firmly and inexorably tied to the Thieu-Ky government. In my letter I urged him to reactivate the Paris negotiations with the appointment of a new ambassador of highest rank to represent us. I liked his use of the word "flexible." Flexibility on both sides can point the road to peace.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

(Mr. KOCH asked and was given permission to revise and extend his remarks.)

Mr. KOCH. Mr. Chairman, every day that we are in Cambodia violates our Constitution. I support the Boland amendment as the best that can come through this House, but I think we ought to be out today.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, the sacred sanctuaries in Cambodia have cost the lives of unknown thousands of our finest young men. I was within 4 miles of that border last year myself. The commander of our post in this small town that I was in had lost his life because of the shelling from the safety behind the borders. These men are there and they are our finest young men. They are willing to die to protect the freedom of the South Vietnamese, the freedom of America, and the free world. Those sanctuaries should have been destroyed years ago. I do not think that Congress in this bill should be placing limitations on the actions of our President in his effort to not only protect the lives of our boys who are in South Vietnam nor this country's efforts to win military victory over the Communists in Southeast Asia.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEN).

Mr. FARBSTEN. Mr. Chairman, the purpose of this amendment is to keep our soldiers out of Cambodia after June 30, and I am all for it. We continue to divide our people and permit the fomenting of a condition that can only injure our Nation. The President said we shall only go 21 miles into Cambodia. This explodes the sanctuary theory, because beyond that area there will remain a permanent sanctuary. Hence what is the point to be gained? Let us get them out. Let us get them out as soon as we can, and if we can get them out by June 30, we will save so many more lives. Let us give the President the opportunity to carry out his pledge and pass the amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEN. I am glad to yield to the gentleman.

(Mr. HECHLER of West Virginia

asked and was given permission to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the Boland amendment because I believe we never should have gone into Vietnam or Cambodia, and should withdraw from both areas as quickly as possible. I have sent the following telegram to the Secretary of the Interior, the Honorable Walter Hickel, which I would like to read. I emphasize that I am categorically opposed to violence, whether on the campuses, on the streets, or in Southeast Asia. Those misguided students and radicals who resort to rock-throwing, bottle-throwing, bomb-throwing and other forms of violence, including the burning of buildings, are inviting counterviolence and I deplore and denounce these tactics. By the adoption of the Boland amendment and a quick exit from both Cambodia and Vietnam, we can take positive steps toward peace in the world and tranquility at home. Now I would like to read the telegram which I sent to say to the Secretary of the Interior:

MAY 7, 1970.

HON. WALTER HICKEL,  
Secretary of Interior,  
Washington, D.C.:

Heartiest congratulations to you on your courageous letter to the President. It has been a sad week in American history, and developments in Cambodia and on the college campuses have left millions of Americans confused, frustrated and disillusioned. The fact that a member of the President's cabinet has the courage to speak out in the frank terms lends new faith to those who are deeply concerned about the future of our nation. I trust that statements like yours can be accompanied by a spirit of cooperation, communication and better understanding between high Government leaders and all the people of this nation. Words alone cannot unite this nation, yet words have been misused to accentuate divisions among our people. Millions of determined Americans are anxious to reverse this war madness and once again place the priority where it belongs—on the life and dignity of human beings, and their ability to live and breathe in a healthy environment. As one whose official responsibilities extend to our environment, I once again congratulate you for your leadership and urge you not to retreat in your determination to hold to the views expressed in your letter to the President.

Congressman KEN HECHLER.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

(Mr. DENNIS asked and was given permission to revise and extend his remarks.)

Mr. DENNIS. Mr. Chairman, what will be absolutely essential and necessary to our interest and our safety months from now, no one here today knows, or can know. Yet here on this floor this afternoon, acting under political pressure, and some of us seeking to make political headlines, we are asked, as to this particular President, to circumscribe the powers of the President of the United States, powers which he has exercised as Commander in Chief of the Armed Forces since the very earliest days of the Republic. It is an ill-considered thing, Mr. Chairman, which we ought not to do.



H 4024

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. WILLIAM D. FORD).

(Mr. WILLIAM D. FORD asked and was given permission to revise and extend his remarks.)

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the Boland amendment because it is the only opportunity we will have to express ourselves on the question of whether or not we approve of sending American troops into Cambodia. We tried to get a clear expression on this issue yesterday and failed. We were not consulted by the President before the fact was accomplished. We now are doing the very best we can with this amendment to express our appeal to the President not to further broaden the war and our involvement in Indochina.

I suggest to the gentleman from Arizona and others who are so deeply concerned about what our actions here may say to the North Vietnamese that they pay a little bit more attention to what our actions here today are saying to the young people of this country. They are looking to us with the question on their lips, "Can the political system of this country deal within the framework of our Constitution with the most serious question dividing this country today?"

Mr. Chairman, if we leave here today as we did yesterday demonstrating the fact that we are incapable of even taking the President at his word and preventing further expansion of the war we will be saying to every young person in the country that the Government of this country and its institutions are impotent and incapable of dealing with this serious and direct threat to the very foundations of our Nation.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from California.

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Chairman, I would like to compliment the gentleman from Michigan and to associate myself with his remarks.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman.

(Mr. BRASCO asked and was given permission to revise and extend his remarks.)

Mr. BRASCO. Mr. Chairman, I rise in support of the Boland amendment and suggest that the way to cure the dilemma that this House faces is to take positive action on the Boland amendment today.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

(Mr. GIAIMO asked and was given permission to revise and extend his remarks.)

Mr. GIAIMO. Mr. Chairman, I rise in support of the amendment which has been offered by the gentleman from Massachusetts (Mr. BOLAND).

Our policy in Southeast Asia is bankrupt and very clearly is flying in the face of the realities which exist in that area of the world.

We have spent billions and billions of dollars, we have sent hundreds of thousands of troops, we have assisted the South Vietnamese in their efforts to Vietnamize the war and still the war drags on and on and on interminably.

Mr. Chairman, I am convinced, as I am certain are many of the American people, that we must act favorably on this amendment to demonstrate Congress' determination to deescalate the war and to reduce the American position in that struggle. Our entry into Cambodia flies in the face of that policy.

Mr. Chairman, in my opinion this is a very positive manner in which the Congress can assert its prerogatives and show its leadership in trying to reduce the American effort in Southeast Asia.

Mr. Chairman, I support the amendment which has been offered by the gentleman from Massachusetts (Mr. BOLAND).

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. WALDIE).

(Mr. WALDIE asked and was given permission to revise and extend his remarks.)

Mr. WALDIE. Mr. Chairman, the invasion of Cambodia seems to me to be an incredible admission by the administration of the failure of the President's highly touted Vietnamization policy. If 1.2 million South Vietnamese under arms cannot defend the leisurely withdrawal over a period of several years of 200,000 American troops from that country, unless the enemy is entirely destroyed by American troops, then Vietnamization means the South Vietnamese will be able to stand alone in South Vietnam only when the American Armed Forces have destroyed the enemy. That was the policy of the prior administration.

Mr. Chairman, I cannot think of a worse policy for this country to engage in and of a worse action than that which the President engaged in last week.

The President should take his eyes off the jungles of Cambodia for a moment and look at his own country. His concentration with the glamor of military strategy has prevented him from noting that his policies are causing convulsions of violence and dissent in this country. Whatever temporary military advantage might be gained by expanding this war will seem of no consequence if American society erupts into violence and chaos as a result. That tragedy is not remote but is real and present.

Lyddell-Hart, the great western military strategist, laid down a basic limitation on all military tactics. No matter how wise and effective a proposed military tactic might seem its effectiveness is limited by the adage, "He who pays the piper, calls the tune."

Mr. President, the youth of this Nation, the mothers and fathers, the wives and sweethearts, those who "pay the piper" of your dangerous attachment to military solutions in Vietnam, are sick, disillusioned, angry and lack confidence in you and this administration. They are now "calling the tune." Mr. President, and the lyrics of that tune are simple and strong—"end that war and do it now and not by expanding it."

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from New York (Mr. LOWENSTEIN).

(Mr. LOWENSTEIN asked and was given permission to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Chairman, I want to associate myself with the remarks that were made by the gentleman from California, and to ask how we are going to Vietnamize the war in Vietnam by Americanizing the war in Cambodia?

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Chairman, I do not intend to take much time because we discussed this at great length yesterday. The issue now is the same as it was when we debated the Leggett amendment—it is whether this body is going to assert itself on the question of Cambodia.

As the gentleman from Massachusetts (Mr. BOLAND) has said, his amendment is substantially similar to the amendment adopted by the House last year. It was then known as the Church amendment, and it provided that no expenditures shall be available for American ground combat forces in Laos and Thailand. The amendment offered now by Mr. BOLAND would merely add Cambodia to that list.

This is a very mild amendment. It does not hinder what President Nixon proposes to do because it does not go into effect until July 1. It does not endanger any of our troops. Therefore, I think the House should assert its authority and approve this amendment.

I supported the Leggett amendment and I now support the Boland amendment because I think we in this body must speak up—and speak up loudly and clearly—to the people of this great Nation. They are looking to the Congress for guidance at this critical period, and I think we must respond—now.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

(Mr. THOMPSON of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Chairman, we are in the debt of our distinguished colleague, the gentleman from Massachusetts (Mr. BOLAND) for offering this absolutely reasonable and sensible amendment. The time has come, notwithstanding all the rhetoric to the contrary, for this body to exercise our responsibility in this regard. It is a reasonable, thoughtful, and constructive amendment, and I associate myself with the statements of those who support the amendment. Actually it is, in essence, one more opportunity for us to express our opposition to the war in Vietnam and Cambodia. We shall continue such efforts until we have the victory which Mr. BOLAND's amendment deserves.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss.)

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(Mr. MOSS asked and was given permission to revise and extend his remarks.)

Mr. MOSS, Mr. Chairman, the gentleman from Massachusetts has afforded us an appropriate opportunity to speak out responsibly here in Congress—and if you need evidence that we need to speak out, then read the ticker tapes out in the Speaker's lobby, and you will find that the Nation has a great number of its colleges and universities closed at this moment.

We find that the Commanding Officer of the National Guard Bureau has authorized the use of National Guard personnel as night watchmen around this Nation. It reads almost like a war communique here in this Nation, and that has been brought about primarily because of the very unwise action taken by the President in acting without the sanction of the Congress.

Mr. Chairman, I think the very least we can do is to take him at his word and give him his 8 weeks, and cut off the funds for fiscal 1971.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

(Mr. ARENDS asked and was given permission to revise and extend his remarks.)

Mr. ARENDS, Mr. Chairman, we covered this ground at great length on yesterday. Now we are preparing to do it over again. May I simply say that I for one do not intend to tie the hands of the President in any way in this matter, none whatsoever, because he is my President as well as yours, and what we should do is support the President of the United States in this case whether you agree with him politically or not.

I have here two news releases which have just come out which indicate in very clear fashion that progress is being made, in Cambodia. At the moment it appears we are on the road toward doing what the President and the country had hoped we would be able to do.

As of this very moment we have captured almost—almost—1 million total rounds of ammunition. This means 1 million less rounds of ammunition that are going to be shot at our American boys just across the Cambodian border in South Vietnam.

Likewise I have a Reuters dispatch which has just come in over the wire, and it says:

An Allied force today claimed it captured the Viet Cong headquarters, which was the target of the invasion of Cambodia.

Mr. Chairman, this proves that we are moving in the direction we had hoped to move, and I would trust that Congress would do nothing at this particular time to slow down what appears to be real progress in our efforts to destroy the sanctuaries in Cambodia.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

(Mr. BINGHAM asked and was given permission to revise and extend his remarks.)

Mr. BINGHAM, Mr. Chairman, at the

meeting Tuesday President Nixon told the members of the Committee on Foreign Relations and the Committee on Foreign Affairs, and I quote:

We expect the Soviets to protest our action (in Cambodia) just as we protested their invasion of Czechoslovakia.

That is quite an equation. I am not suggesting that Mr. Nixon regards the two actions as comparable, but I am suggesting that when he made his decision on Cambodia, President Nixon seems to have forgotten the precept of our Founding Fathers that we should show a decent respect for the opinions of mankind—and the opinions of mankind include the opinions of young Americans as well as the opinions of people around the world.

Mr. Chairman, I believe the adoption of the Boland amendment would go some way to repair the damage that has been done.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

(Mr. HOWARD asked and was given permission to revise and extend his remarks.)

Mr. HOWARD, Mr. Chairman, I am sure we are all very happy to hear the report a few minutes ago from the distinguished minority whip, who stated, as the President had indicated, that the objectives are being met and that we are destroying the enemy's capability of killing American men in South Vietnam.

I think that since the President said we would be out of there by July 1, and since this amendment of the gentleman from Massachusetts does not take effect until after July 1, that we should all give the President a vote of confidence by supporting this amendment, and then we can all go home very happy this afternoon.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT, Mr. Chairman, I was alarmed on reading the newspapers just a few minutes ago, one of the late releases that came out, that I understand really violates the President's pledge to the members of the House Committee on Armed Services and the Senate committee that American ground forces would penetrate no more than 20 miles or 30 miles into Cambodia. I understand now the U.S. Navy is now floating up the Mekong River all the way to Phnom Penh.

I say that we ought to save the President from some of the wild desires of some of the military leaders.

He said in response to my questions down at the White House the other day—I said, "Do you need American ground forces in Cambodia in the next fiscal year?" He said, "Congressman, I want to assure you that I will have the 'head' (that is a paraphrase)—of the Chairman of my Joint Chiefs of Staff if we have them there after July 1."

So I say the amendment of Mr. BOLAND is directly in point and should be supported.

As to the arguments that have been made that this is a partisan effort, I remind again the distinguished minority whip that GERRY FORD, 2 years ago said the following to President Johnson on hot pursuit in Cambodia.

[From the Washington Post, Jan. 10, 1968]

CONSULT HILL ON "HOT PURSUIT," FORD ASKS

House Republican Leader Gerald R. Ford called on President Johnson yesterday to clear with Congress before committing U.S. troops to any "hot pursuit" of Communist troops across the Cambodian border from Vietnam.

"Personally I feel they have not made a case for hot pursuit," he told a news conference in commenting on current Administration efforts to bar use of Cambodia as a Communist sanctuary in the war.

"It is important that they [the Administration] come to Congress, present the problem, and get our concurrence before they adopt a new policy of hot pursuit. This would be a drastic change," he said.

Ford said he believes North Vietnam is displaying a "change of attitude" that could lead to negotiations and an end to the war, but he warned against any cessation of U.S. bombing until Hanoi also scales down the conflict. At a minimum, he said, North Vietnam should halve the flow of manpower and supplies across its border into South Vietnam.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN, Mr. Chairman, one element of this discussion that disturbs me is the repeated suggestion that somehow those of us who are concerned about the effect on young people in this country of the unauthorized extension of the war are less interested in the effect of the extension of the war on the young men who are in Vietnam. That suggestion is insulting to the intelligence of those who make it. It implies that they do not understand that bringing home soldiers involved in pointless wars is in fact the best way to diminish the risks borne by those soldiers.

The point of course is that passing this amendment will help all the young people of this country, the young people here and the young people in Vietnam as well—and the not so young people too. It will help the United States, because it can help to spare us further bitterness, and to save lots of money. It can increase faith in the constitutional processes of this country at a time when that would add measurably to our national security. Above all, it will save a great many lives that need not be lost.

It may even help to save us from ever undergoing again the horror of young Americans in uniform shooting other young Americans on a sunny field on a pleasant campus near the heart of this country.

Mr. RYAN, Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN, I yield to the gentleman.

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN, Mr. Chairman, today the House has an opportunity to rectify the errors of yesterday, when debate on the issue of Cambodia was cut off, and when

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the House failed to pass any amendments to the military procurement bill, H.R. 17123, expressing opposition to the President's unilateral, unauthorized action in sending American ground combat troops into Cambodia. It is 1 week since President Nixon's announcement that American troops had been ordered into Cambodia, and today, the press reports that 20,000 American troops are in that country.

The gentleman from Massachusetts (Mr. BOLAND) has offered an amendment to H.R. 17399, the second supplemental appropriation bill for fiscal year 1970, barring any utilization of fiscal year 1970 funds for American troops in Cambodia.

It is essential that Congress exercise the power of the purse to curb the administration's appetite for military answers to the political problem of Vietnam.

The amendment is entirely in line with the similar provision adopted last December 15 by the Senate, and agreed to by the House accepting the conference report on December 18, 1969, which is section 643 of the Department of Defense Appropriation Act, Public Law 91-171, for fiscal year 1970. It reads:

SEC. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground troops in Laos or Thailand.

Today we seek to expand the import of this provision to include coverage of Cambodia. It is really not even an expansion of the previously enacted legislation embodied in the Defense Department appropriation bill, but the filling in of a gap unintentionally left by the Senate and House last December. At that time, details of the secret war in Laos and the administration's commitments in Thailand were beginning to come to light. The language then passed was an expression of congressional determination that American ground combat troops would not be used outside of Vietnam. At that time, no one even considered that the President might take the unthought-of action of invading the neutral nation of Cambodia. Had the thought occurred, clearly section 643 would have covered this possibility also. The Senate debate makes this conclusion clear, for the concern of the Senate—a concern which the House must be presumed to have shared in accepting the Senate-passed amendment—was expansion of the war in Southeast Asia.

But, the past aside, the matter of major concern now is that American ground combat troops are in Cambodia. No semantic doubletalk is available to the Pentagon, which has chosen in the past to define "ground combat troops" as excluding "advisers." Here the situation is starkly clear, and clearly extreme.

This amendment would deprive the President of the funds to conduct his new war in Cambodia. It offers the House an opportunity to assert its constitutional responsibility on the question of war and peace. There was a sound reason why the Constitution states that no appropriation of money for raising and supporting an army shall be for a longer term than 2 years. It was so that the people through their elected representatives would be able to exercise control over the military. Let us do so now.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I am opposed to the Boland amendment. I believe this would tie the hands of the President of the United States.

This war in Cambodia started 4 years ago when the Communists from North Vietnam invaded Cambodia and built their sanctuaries along the Cambodian boundary line. These sanctuaries are what we are going to destroy.

Now let us face the fact that we are being successful. But what you say is that we can be successful only once. You are saying the North Vietnamese can come back and build their sanctuaries, but we cannot go in and destroy them a second time. You are denying the President of the United States, as Commander in Chief of the Armed Forces, the right to protect American lives if the Communists return and rebuild their sanctuaries.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Texas (Mr. MAHON) to close the debate.

Mr. MAHON. Mr. Chairman, we cannot write war strategy from the floor. A vote on this amendment does not indicate whether one is for or against involvement in Cambodia. A vote against the amendment would support the President, the Commander in Chief of the Armed Forces—and affirm that we do not propose to tie his hands, and that we hold him to his commitment to bring the war to a successful conclusion and at the earliest possible time.

Mr. Chairman, it is not possible to reconstruct or rehash the arguments of yesterday on amendments similar to the one facing us today. But on yesterday the House voted such amendments down by substantial margin.

I think it would be unfortunate, in the eyes of the country and the world, if the House should reverse itself without any substantial reason within a 24-hour period. We must undertake to act responsibly. All Members want to see the war ended on honorable terms at the earliest possible date.

I urge the defeat of the Boland amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND and Mr. MAHON.

The Committee divided, and the tellers reported that there were—ayes 94, noes 163.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### TITLE VI

#### GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided therein.

SEC. 602. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropri-

tions, or provisions affecting appropriations or other funds, available during the fiscal year 1970, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: On page 46, after line 23, insert the following:

"Sec. 603. None of the funds contained in this act available to the Inter-American Bank shall be used directly or indirectly as grants or loans to officers or members, of the staff, of the Inter-American Bank."

Mr. VANIK. Mr. Chairman, some time ago I was shocked to learn that the Inter-American Bank has been making extensive loans to its officers and to its staff.

Mr. Chairman, I have discussed this amendment with the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, the distinguished gentleman from Louisiana (Mr. PASSMAN), and I should like to ask at this time if the gentleman from Louisiana could tell me whether I am correct in understanding that over 200 loans have been made to members of the staff and officers of the Inter-American Bank?

Mr. PASSMAN. Mr. Chairman, in response I should like to say to the distinguished gentleman, that is correct. There have been over 200 loans made to members and the staff of the Inter-American Development Bank. It is also true that the Asian Development Bank makes the same cost of loans.

Mr. VANIK. I should like to inquire what kinds of loans these are. Are these personal loans, property purchase loans, or home modernization loans? What type are they?

Mr. PASSMAN. It is a combination of many. In some instances they make home purchase loans. In other instances it is merely a loan over a signature.

Mr. VANIK. Will the distinguished gentleman advise me and advise the members of this Committee as to whether or not the American representative on either the Inter-American Bank or the Asian Development Bank has had access to the information concerning the beneficiaries of these loans or the extent of these loans?

Mr. PASSMAN. I do not quite understand the gentleman's question.

Mr. VANIK. I should like to inquire whether or not the American representative on either the Inter-American Bank or the Asian Development Bank has any information concerning the extent of the loans or the beneficiaries of the loans. Is he advised of this practice?

Mr. PASSMAN. I can only speak with respect to the Asian Development Bank. During our hearings we asked our Director on the Board of the Asian Development Bank if he could furnish us with the names of the individuals borrowing the money, the terms and the amounts, and he said that information was restricted by the President of the Bank. Our own Board member was not privileged to have access as to the amounts of



## HOUSE BARS CURB ON THE PRESIDENT

But Also Rejects Approval of  
Intervention in Cambodia  
—Debate Is Emotional

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, May 6 —The House of Representatives, in a confused climax to an increasingly emotional debate on Cambodia, refused today either to sanction President Nixon's intervention in Cambodia or to place restrictions on his authority to undertake military operations in Southeast Asia.

The House overwhelmingly rejected amendments designed to restrict the President's authority to introduce American ground combat troops in Cambodia, Laos, or Thailand without the consent of Congress.

The debate concerned amendments to a \$20.2-billion military authorization bill for the fiscal year beginning July 1.

On the Senate side of the Capitol, Secretary of the Treasury David M. Kennedy told the Foreign Relations Committee that the action in Cambodia would have no effect on defense spending either this year or next. [Details on Page 69.]

Amendments to restrict the President had been opposed by the White House. To that extent the votes were a victory for an Administration increasingly caught up in a constitutional struggle with Congress over the war-making powers of the presidency.

But when it came to an amendment endorsed by President Nixon, the House went through a parliamentary somersault that left the constitu-

Continued From Page 1, Col. 5

tional issue deliberately unresolved.

By a 171-to-144 vote, the House tentatively adopted an amendment by Representative Paul Findley, Republican of Illinois, that would have had the effect of authorizing the President to send ground combat troops into Cambodia, Laos or Thailand if he thought such action necessary to protect the lives of American troops in South Vietnam.

But when it came to final adoption, the House turned around and rejected the amendment by 221 to 32.

It was apparent that the majority of the House was willing to support the President in his decision to send troops into Cambodia, but was unwilling to enter into the constitutional debate by moving to sanction or circumscribe the President's action.

The debate now moves to the Senate, where Administration critics are more numerous, better organized and determined to place legislative restrictions on the President's use of defense funds in Southeast Asia.

### Opposition Appears to Grow

Despite the inconclusiveness of the votes, the amendments provided the first opportunity for a full-scale foreign-policy debate in the House since it adopted a resolution last fall endorsing President Nixon's efforts to achieve a "just peace" in Vietnam.

Administration critics were still in a minority, but the attacks by both Republicans and Democrats indicated that opposition was growing as a result of the Cambodian operation.

The five-hour debate, before galleries packed with students opposing the Cambodian attack took on an increasingly emotional tone, particularly after Representative L. Mendel Rivers of South Carolina, the Chairman of the House Armed Services Committee, finally succeeded in imposing of time limit of 45 seconds for each speaker.

At one point, loud hisses were heard from the gallery after Mr. Rivers observed that if the young people were "frustrated" it was because "their parents have not taken enough time to talk to them about patriotism."

The white-haired Mr. Rivers stood impassively in the well as cries of "Throw them out!" arose from members. The students were allowed to remain.

The members listened in silence as Representative Thomas P. O'Neill Jr. of Cambridge, Mass., a Democrat, arose to protest the limitation on debate. "Forty-five seconds," he complained, "Why, it takes more time to say hello."

Through a special parliamentary device, Mr. O'Neill arranged to get five minutes. He proceeded to recount to the House how "frustrated" and "despairing" students had been crowding his office all day protesting against the Cambodian operation and how his daughter would not get her degree this year because her college was on strike.

"What good is it to destroy sanctuaries in Cambodia if our country is torn apart from within?" he asked.

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## DOUBT ON POLICY DENIED BY LAIRD

He Says He 'Supported Fully'  
the Cambodian Incursion

By WILLIAM BEECHER

Special to The New York Times

WASHINGTON, May 6—Secretary of Defense Melvin R. Laird said today that he had "supported fully" President Nixon's decision to employ American ground troops against Vietnamese Communist sanctuaries in Cambodia.

In an apparent attempt to answer published reports that he had expressed misgivings, Mr. Laird said he had presented the case for the operations to the National Security Council.

Asked whether he had supported extensive American participation before the final decision, the Defense Secretary said: "Yes. I presented these plans and briefed the President and also the National Security

Continued on Page 14, Column 1

Council on these particular proposals."

### U.S. Arms are Delivered

During the day the State Department announced that the "first deliveries" of American weapons — rifles and carbines — to the Cambodian Government took place over the last few days. The quantities of small arms, transferred from American stocks in South Vietnam, were not made public.

In an impromptu briefing of newsmen at the Pentagon, Secretary Laird made the following points:

"The United States does not intend to get bogged down in Cambodia and American troops should pull out in three to six weeks, depending on when expected heavy rains interfere with operations. President Nixon, conferring yesterday with members of Congressional committees, gave them what was described as 'a firm commitment' that the troops would be withdrawn in three to seven weeks."

Critics are incorrect in saying that the attacks constitute an invasion that might have required congressional approval or at least consultation. Like other Administration officials, Mr. Laird insisted that the sanctuaries were under the "complete control" of the North Vietnamese and were being used to mount assaults on American and South Vietnamese forces.

The 24-hour Pentagon delay in making public a fourth large-scale weekend air attack on North Vietnam was a result of the tardy arrival of a report from Navy elements involved.

In an effort to hold down American casualties, he ordered heavy B-52 strikes against the Fishhook area, three to four days before the attack there; though that might telegraph the plans and enable the foe to withdraw.

### Reports on Laird Persist

Despite Mr. Laird's denial, persistent reports circulating here portray him as having advised against substantial American involvement in offensives against the North Vietnamese and Vietcong in Cambodia and having later tried to minimize that role.

Administration officials have said privately that like Mr. Laird, Secretary of State William P. Rogers counseled restraint during the decision process. Mr. Rogers and State Department spokesmen have made no comment on the reports.

On April 23, a day after the National Security Council began to address the possibility of attacks on the sanctuaries, Mr. Rogers told a House Appropriations subcommittee that the United States had "no incentive to escalate."

Mr. Laird — commenting on reports in The New York Times and elsewhere — did not directly address the matter of his private advice to Mr. Nixon. He did say that he supported the use of Americans "as required to carry out this very important mission."

### Alternate Proposal Described

According to one account, after it had become apparent that Americans would be involved significantly, Mr. Laird is said to have urged an operation against a small enemy enclave, supposedly containing only 800 troops, instead of the operation against the Fishhook area, reputedly containing thousands of troops and a headquarters complex.

Mr. Nixon is reported to have assured Congressional critics in the White House briefings, that American forces would not penetrate beyond a certain distance — 21 miles in one account, 18.75 miles in another.

Officials explained that his was meant to describe the distance across Cambodian territory where bunkers and other facilities have been built and to give assurances that the United States will not be drawn deep into Cambodia should the new Government of Premier Lon Nol become jeopardized by the enemy advance near Phnompenh.

Ronald L. Ziegler, the White House press secretary, said today that allied troops would not be held rigidly to the 18.75-mile limitation. Some flexibility — another few miles — might be required to clean up the sanctuaries, he said.

Mr. Laird said he was aware of the concern of Gen. Creighton W. Abrams, Commander of American forces in Vietnam, that the next six months were crucial to the prospects of turning over major responsibility for the war to the South Vietnamese. The Cambodian operations, if successful, should cost the enemy six to eight months to rebuild, thus limiting offensive capability, the Secretary explained.

He confirmed reports that South Vietnamese forces staged small-scale assaults into the Parrot's Beak area during April, before the decision was made for large ground and air attacks. Other sources say those raids, never before officially acknowledged, were limited to one-day forays.

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*Cambodia*

## CONGRESSIONAL RECORD — HOUSE

## MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH, AUTHORIZATION, 1971

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The motion was agreed to.

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17123, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, April 30, 1970, there was pending the amendment of the gentleman from New York (Mr. REID), a substitute therefor offered by the gentleman from Illinois (Mr. FINDLEY), and the amendment to the Findley substitute offered by the gentleman from California (Mr. LEGGETT).

Without objection, the Clerk will again report the amendment, the substitute, and the amendment to the substitute.

The Clerk read as follows:

Amendment offered by Mr. REID of New York:

On page 6, following line 8, add the following new section:

"Sec. 403. In line with the expressed intention of the President of the United States, no part of the funds authorize to be appropriated pursuant to this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand or Cambodia."

Amendment offered by Mr. FINDLEY in the nature of a substitute for the amendment offered by Mr. REID of New York:

In place of the amendment, substitute the following language:

"Sec. 403. In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

Amendment offered by Mr. LEGGETT to the amendment in the nature of a substitute offered by Mr. FINDLEY for the amendment offered by Mr. REID of New York:

After the word "Congress" strike out the proviso exception.

Mr. FRASER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from California (Mr. LEGGETT).

(Mr. FRASER asked and was given permission to revise and extend his remarks.)

Mr. FRASER. Mr. Chairman, what the committee is now confronted with since we put over consideration of this bill last Thursday, is what to do in the light of the President's speech on April 30, announcing that U.S. combat forces had entered Cambodia.

I think it is worth taking a moment or two to analyze what the President is doing when he directs U.S. forces into the country of Cambodia.

In the first instance, the President said that the action would give the South Vietnamese time to proceed with the process of Vietnamization, to equip, train, and upgrade the South Vietnamese forces so that when the 150,000 U.S. troops are withdrawn at the end of a year's period, next spring, the South Vietnamese forces will have a better prospect of being able to handle the situation that exists at that time.

I challenge that rationale, largely on the grounds that there is no evidence that insulating the South Vietnamese forces from pressures, from attacks by North Vietnamese forces over the next year would enhance their capabilities as fighting personnel. I believe it is a fairly incredible proposition that you have a better army by insulating it from pressures, from battle experience, and from attacks, than if that army were subjected over a period of a year to those kinds of stresses.

What, then, was the purpose of the President in sending troops into Cambodia? I think there are three factors that emerge from statements that have been made by the President, both to the public and in the briefings we received yesterday at the White House. One of the reasons is that for 5 years the military has wanted to go in and attack the North Vietnamese and Vietcong forces on the eastern edge of Cambodia. Suddenly, the opportunity presented itself to do what the military had wanted for a long time to do because there was a Cambodian Government in Phnom Penh which would be friendly and receptive to such action.

Second, by our invasion of Cambodia, we might take some pressure off the Government of Cambodia, which found itself under increasing threat from the North Vietnamese.

Third, and perhaps most important of all, I think the President wanted to show that he is tough. Each time he has announced a withdrawal he promised that under certain circumstances he may retaliate against the North Vietnamese. The President seems to be trying to prove that he is prepared to back up those words with action. Here was an opportunity to demonstrate the fact that he could be and would be tough under appropriate circumstances.

This is the conclusion that I think one reasonably reaches from having listened to the President and considered the circumstances.

Now, what will happen? It is abundantly clear, even from what the President himself says, that once the U.S. forces are out—and I hope they will be out as the President has promised—in due course the North Vietnamese can reposition themselves, restock the sanctuaries, and present, at the end of an

8-, 10-, or 12-month period essentially the same threat that they present today.

Moreover, by the fact that the United States went into Cambodia without the express and open consent of the Cambodian Government, it raises serious international issues, the very least of which is that it presents a rare opportunity for the North Vietnamese now to have the excuse to march further onto Phnom Penh, which, of course, they may very well have done in the absence of American combat troops.

But, finally, where are we a year from now? The ARVN will be presented with essentially the same threat which they have today.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. FRASER was allowed to proceed for 1 additional minute.)

Mr. FRASER. The North Vietnamese will present essentially the same threat as they present today.

There is no reason to think they will be stronger by reason of having been less subjected to stress or attack by the North Vietnamese, and we are still left with uncertain prospects.

The President cannot tell us now what will happen if, in fact, as many of us feel, his Vietnamization program does not succeed.

It is for these reasons, Mr. Chairman, that I support the Leggett amendment. The Leggett amendment would not be effective until July 1, because the bill we are debating is for defense expenditures in fiscal year 1971. By that time, July 1, the President has promised to have the troops out of Cambodia. The Leggett amendment will be appropriate, and I hope it is adopted.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

Mr. SIKES. Mr. Chairman, let me take you on a quick flight with me away from Indochina to an entirely different part of the world—the Middle East. There, Israel—yes, I said Israel—is in a fight for existence, but not really against Arab forces. Arab forces alone pose no problem for Israel. That plucky little nation's fight is against Communist aggression, which is taking over direction of the military objectives of the Arab States, and against modern Communist weapons.

It should be an inescapable conclusion that the fight against communism is a world fight. What is happening in Vietnam and Cambodia and Laos are separate chapters of the same struggle by people everywhere who are seeking to escape or to avoid Communist control.

The adoption of the Reid amendment would be extremely shortsighted. It would place the House in the position of prejudging American policy and would, in fact, put a limitation on American policy. The Leggett amendment would, as I interpret it, require a declaration of war before U.S. forces could be used in Cambodia. Let us be frank and admit that declarations of war were part of another world. Limitations of any kind at

this stage can do much more harm than good.

If an amendment is to be adopted, it should be the Findley amendment. It does no particular harm. In fact, it reiterates substantially what the President has said he has had to do in Cambodia. If it makes the Congress feel better to keep a hand in the formation of policy matters, this probably is a good way to do it, and certainly it is preferable to the alternatives that have been offered. Either of the other amendments would be making a case which the Communists trumpet to the world as representing a defeat for American efforts in Southeast Asia.

The administration has shown it is seeking by every legitimate means to reduce U.S. involvement in Southeast Asia. Now let us not tie the President's hands even partially. I am willing to trust him. He is my President, too.

It should be very clear that we could quickly have been outflanked by Communist penetration in Cambodia. This would have delayed the process of Vietnamization, would have provided a direct threat to American forces in South Vietnam, would have delayed our withdrawal, and could have caused the fighting there to drag on endlessly. The problems of Laos would have been intensified.

We must accept the fact that the independence of Cambodia also is at stake, and possibly that of all Southeast Asia. If we in America turn our backs on Cambodia, we will doom that nation to Communist control and we will be opening wide the port of Sihanoukville to a flood of weapons and supplies for Communist forces who will be operating at will from the south of Cambodia into Vietnam.

The rest of the world is watching. If it sees the Congress tie the hands of the President, people will know the beginning of the end of American leadership in world affairs is at hand. However unpleasant the task, there are certain responsibilities which go with leadership which must be faced up to and must be accepted. We will be out of Vietnam much more quickly as a result of the President's action in Cambodia, and that, after all, is what is most important to the American people.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Chairman, the gentleman who just preceded me in the well made, I thought, a very interesting observation indeed when he suggested if it made us in the Congress feel any better to adopt some language or amendment, we ought to proceed to adopt the Findley amendment.

I happen to be opposed to the Leggett amendment, not because I want a wider war in Southeast Asia, for as I said when I spoke to an audience in my district a week ago Sunday night, I was opposed to introducing ground combat forces in Laos and Thailand and Cambodia, and I am still today opposed to that, but I think we have to accept the situation in the light of what it is today, not last Wednesday or last Thursday when the amend-

ments by the gentleman from New York (Mr. REID), the gentleman from California (Mr. LEGGETT), and the gentleman from Illinois (Mr. FINDLEY) were offered.

I would suggest that since the President has told us—I was not privileged to attend the briefings of yesterday, but I am informed on good authority that the President did say that by July 1 all of these troops would be withdrawn from Cambodia—I believe the President of the United States when he makes a statement of that kind I was certainly impressed with the analysis of the gentleman from Florida (Mr. FASCELL) who said in a bill which contains no operating and maintenance money at all. It does not even deal with personnel, therefore, we are not selecting a very appropriate vehicle by which to express congressional intent. All we are doing is to, in an ad hoc random fashion tack on some kind of limitation to a procurement bill without any real understanding of what we will thereby accomplish.

I am as interested as anyone in this chamber in reasserting the congressional prerogatives in the field of foreign policy.

As I interpret recent polls, there has been a very perceptible decline in public esteem so far as the Congress is concerned. Why has that taken place? I believe it is largely because of the attrition which has occurred as far as our influence in the field of foreign policy is concerned. It has been our relative impotence and our inability to deal with the great questions of peace and war that have brought us to the apparently powerless state we are in today.

This attrition has not happened under the Nixon administration alone. It happened under the Lyndon Johnson administration. It started, I believe, indeed, under that of Franklin Delano Roosevelt.

I want as much as anyone in this House to restructure and to recapture, if you will, what I believe are the legitimate constitutional prerogatives of this House.

If we are going to avoid a constitutional crisis, and if we are going to avoid a clash of Presidential power with what we in the Congress insist is our right and our prerogative, we ought to begin now.

I am equally convinced that we are not going to do it—and indeed, we demean ourselves—if we in this Chamber today adopt meaningless legislative language and think, "Well, we have shown them this time; we have shown them that the people's Representatives have really spoken up."

I am going to introduce—indeed, I have already introduced—a concurrent resolution, and I am going to solicit the active support of the Members of the House for this resolution, in which I say that it is now clearly national policy by virtue of a resolution of the Congress that we do continue the program of disengagement and withdrawal to which the President has committed himself; and we say it is our national policy not to enlarge the present conflict into the neighboring States of Cambodia, Laos, and Thailand.

For all too long, I believe—for all too long we have rested on the purely Presidential initiative. We have been unwilling in this House to share the burden that is ours under the Constitution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. Mr. Chairman, we have neglected and ignored all too long the constitutional responsibility to share in the making of that policy.

But it is going to take more than a week or a month or even a single session of Congress to do it. We are going to have to begin systematically, I believe, with the proper building blocks to recreate the kind of role the Congress under the Constitution was intended to have.

I am going to offer this resolution in that spirit, in the hope that rather than adopt amendments which I believe will prove in time to be meaningless and therefore only increase the disillusionment in the country as to our ability and as to the efficacy of our actions, that we be well advised to consider this kind of resolution, rather than simply trying to tack on in a meaningless fashion amendments to this particular procurement bill.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some time when we can terminate debate on this amendment and all amendments thereto.

Mr. GERALD R. FORD. Mr. Chairman, I regret I did not hear the request of the distinguished chairman of the Committee on Armed Services. Would the gentleman repeat it?

Mr. RIVERS. I am trying to arrive at some kind of agreement, Mr. Chairman, whereby we can agree to terminate debate on this amendment and all amendments thereto, and vote.

The CHAIRMAN. The gentleman from South Carolina is now discussing the Reid of New York amendment.

Mr. RIVERS. Mr. Chairman, I wonder if we could agree to vote at, say, 2 o'clock?

Mr. GIBBONS. Mr. Chairman, I object.

Mr. RIVERS. What about 2:30, Mr. Chairman?

Mr. GIBBONS. I object, Mr. Chairman.

Mr. CAREY. I object, Mr. Chairman.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I yield to the gentleman from California.

Mr. LEGGETT. I appreciate the chairman's yielding.

I notice there are at least 50 Members on their feet at the present time. If we to go for an hour on this very important subject matter, I am sure we would have all of a minute apiece to express ourselves, really for the first time, on American foreign policy in the Indochina Peninsula for the past 5 years. I would suggest that—

Mr. RIVERS. I have already yielded as long as I am going to yield, Mr. Chairman.

Mr. Chairman, we do not make foreign policy in the House, anyway.

Mr. Chairman, I have already asked for 2:30. That is 70 minutes. What about a quarter to 3?

The CHAIRMAN. The Chair will state, as he understands it, the gentleman from South Carolina is asking that debate be limited to the Members standing on



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their feet on the Reid of New York amendment and all amendments thereto—

Mr. RIVERS. To close at a quarter to 3. I ask unanimous consent to that, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. LEGGETT. Mr. Chairman, I object.

Mr. RIVERS. What about 3 o'clock?

Mr. LEGGETT. Mr. Chairman, I object.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 3:20.

Mr. LEGGETT. Mr. Chairman, I object.

## MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 3:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was rejected.

Mr. REUSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Findley substitute.

We should be extricating ourselves from South Vietnam, not implicating ourselves in Laos, Thailand, or Cambodia. Yet the Findley substitute would not only endorse the actions taken by the President last Thursday; it would also give him license to take similar action in Laos and Thailand. The hand is the hand of Mr. FINDLEY, but the voice is the voice of Mr. Nixon.

All that the Findley substitute requires for the use of American ground combat troops in these countries, without any consent of Congress, is for the President—I repeat the President—to “determine” that this is needed “to protect the lives of American troops remaining within South Vietnam.”

I am not going to see this war enlarged by any such tortuous determinations by the President. Mr. Nixon has publicly justified his sending U.S. ground combat forces into Cambodia by saying that this is necessary to protect the lives of American troops in South Vietnam. Yet he told members of the Armed Services Committee, assembled at the White House yesterday, that another reason for sending in American troops was to prevent the present rightwing government of Cambodia from being toppled. And from background briefings reported in the press, we learn that the real reason for the U.S. invasion of Cambodia is the need to flex our muscles toward the Soviet Union and to reinforce our credibility as a great power.

World peace should not be allowed to hang on such slippery determinations. Whatever the “real” reasons for our invasion of Cambodia, they are the hallmark of policies that have been awry for years.

Under the Findley substitute, the President, without consulting the Congress, an order American ground combat troops into Thailand, hundreds of miles from South Vietnam, by simply “de-

termining” that this is necessary to protect the lives of American troops in South Vietnam. You might as well argue that the President, all by his lonesome, can drop paratroopers into Peking or Moscow in an effort to wipe out those centers of communism—after all, if he succeeds in wiping them out, it will certainly protect the lives of American troops in South Vietnam, since Moscow and Peking are the start of the pipeline.

I oppose enlarging the war. I oppose the renewed bombing of North Vietnam. I deplore the lack of candor which has shrouded the events of the last week. This endangers the safety of the American people, the fabric of American society, and the credibility of the United States far more than do the Communist sanctuaries in Cambodia.

If we are for President Nixon's Cambodian adventure, we should vote for the Findley substitute. If we oppose the adventure, we should oppose the substitute.

Unless we are so many sheep on the runway, we should welcome the chance to be recorded on this historic vote.

Mr. WIGGINS. Mr. Chairman, I move to strike the requisite number of words. (Mr. WIGGINS asked and was given permission to revise and extend his remarks.)

Mr. WIGGINS. Mr. Chairman, during the next several hours this House will be called upon to vote on various amendments which relate to the nature and extent of our military involvement around the world.

Since the pending bill pertains only to the payments authorized in fiscal 1971, largely for equipment, the amendments have no immediate application to the current situation in Cambodia and little limiting effect upon the options available to the President thereafter. These amendments are truly in the nature of expressing the sense of the Congress with respect to America's policy abroad.

I shall most probably vote against each of the likely amendments unless parliamentary tactics dictate otherwise.

Too much of the debate following the actions of the President with respect to Cambodia misses the central issue. Even the President's public justification avoids a discussion of fundamental objectives and how his actions relate to the attainment of the objectives.

Surely, the saving of American lives in Vietnam, however desirable, is not our ultimate objective. If it were, we could proceed more directly toward that objective by their prompt removal from the zone of danger.

Vietnamization is not our ultimate objective, either. It is merely a tactic, rather than a fundamental goal, and our presence in Cambodia cannot be credibly defended as necessary to guarantee the success of such a tactic.

In truth, we moved into Cambodia because our national interests are served by doing so, and the recent change of governments made it politically possible to do so.

America's fundamental national interests are directly and intimately related to peace in the world. The ultimate question—lost in the violence and heat of the

Cambodian debate—is what consistent policies should America pursue around the world to achieve and maintain the peace we seek.

Since World War II, successive administrations have recognized that there are forces in the world which are not motivated by a live-and-let-live policy. There are national States which threaten their neighbors. No better current example can be found than in the Middle East. These aggressive powers can provoke a war we seek to avoid and there is no evidence that they shall cease and desist from molesting their neighbors if we follow a policy of indifference to them.

Indeed, history suggests the reverse to be true. If the big powers refuse to react to the transgressions of the small powers—not because they want to, but because they have to—the record of history leads me to the conclusion that we are moving toward war, rather than peace.

America has no desire to shed her blood in Vietnam. But the consequences of successful aggression are unacceptable to America's fundamental national interests.

We have no desire to occupy, even temporarily, any portion of Cambodia. But the consequences of a forcible overthrow of the Cambodian Government by a foreign power is equally unacceptable.

The ultimate stakes are as fundamental as peace in the world and we need apologize to no one for pursuing policies reasonably calculated to that end.

Surely the honorable and patriotic Members of this House cannot believe that America's national interests are enhanced if the troops of North Vietnam impose by force and terror Communist governments throughout Indochina. Yet are not some of our Members urging a policy which will lead to that result?

If our Government, in the interests of peace seeks to avoid the likely consequence of sudden disengagement and withdrawal, the question is: What are we prepared to do about it?

Unless someone has a better plan for peace, I urge support of the President and I urge defeat of amendments which limit his options to react against forces threatening the peace.

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ADAIR asked and was given permission to revise and extend his remarks.)

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. Yes, I am glad to yield to the gentleman from Illinois.

Mr. ARENDS. Since the gentleman has already been allowed time, I trust that none of the Members will ask for more than 5 minutes time and, therefore, I would feel obliged to object since so many Members desire to speak on this amendment. I feel the time should be limited to the 5 minutes in each case if the gentleman from Indiana asks unanimous consent to proceed for more than 5 minutes, I shall not object in his particular instance since he had already been recognized.

Mr. HALL. Mr. Chairman, will the gentleman yield?

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Mr. ADAIR. I yield to the gentleman from Missouri.

Mr. HALL. I do not want to take words from the mouth of the gentleman, because I know too that he was at the White House conference yesterday. But would the gentleman agree with me that at no time did the Commander in Chief and the President of these United States say that he would defend any branch of the Cambodian Government, past, present, or future?

Mr. ADAIR. The gentleman is correct. Any benefits that might accrue to the Government of Cambodia would be incidental to the main purposes of our being in Cambodia.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, that is almost exactly paraphrasing what the President said and, in my opinion, it is a disservice to the Nation and, certainly, to the Commander in Chief to claim, as the last gentleman in the well just did, that it was to preserve a "rightwing government" in Cambodia.

Furthermore, it is geographically true that it is less than 55 miles across the panhandle of Laos from South Vietnam to the border of Thailand, not "hundreds of miles" from South Vietnam to Thailand.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Florida.

Mr. FASCELL. I believe the President said, and we were both present at the conference, I believe the President said with respect to that issue that it was not this Government's primary objective to sustain the present Government of Cambodia.

Mr. ADAIR. That is correct.

Mr. Chairman, when any branch of the Government, whether it be executive or legislative, begins to tell our enemies publicly what we will or will not do, we are to a degree endangering our Nation and its best interests.

There are people in this Chamber who will recall that in January 1950 the then Secretary of State in a speech before the National Press Club, if my memory serves me correctly, drew a line in Asia and indicated countries that we, the United States, would defend. Omitted from the countries to be protected, among others, was Korea.

There is a responsible body of opinion in this country that held and still holds that the exclusion by omission encouraged the Communists to invade South Korea. So, I repeat that when any responsible element of Government says publicly and firmly that we will or will not defend certain areas or enter into certain areas, we are endangering our national well being.

Therefore, Mr. Chairman, although in light of recent developments my own choice would be that we said nothing at this time upon the matter of troops in Cambodia, Laos, and Thailand, if we do so, I strongly support the amendment which has been offered by the gentleman from Illinois (Mr. FINDLEY).

It seems to me that to adopt the amendment offered by the gentleman from California (Mr. LEGGETT) or to

adopt the amendment as originally offered by the gentleman from New York (Mr. REID) is tying the hands of our President, is telegraphing our punches, and is putting ourselves in an almost impossible position especially, I repeat, in the light of developments in the last few days.

Let us give our President the right to take such action as he deems necessary to protect our national interests, and protect the lives of our fighting men.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it was a wise idea for this Committee to rise on last Thursday. It has given the members of this Committee an opportunity to judge the facts as they are now in the light of the President's speech and in the light of what has happened to our Nation over the past few days.

Someone said a moment ago that we do not make foreign policy in this body. Perhaps, but we certainly implement it.

Somebody also made the statement that we are not exercising our congressional prerogatives in a meaningful way in what we might do today, but the fact of the matter is we are exercising a prerogative here that perhaps is stronger and more formidable than any other power that this Congress has, and that of course is the power of the purse.

Mr. Chairman, I come to the well of the House here as one who recognizes the anguish that this problem gives to all of us. I am conscious of what this great Committee on Armed Services has done over the years in keeping our defense strong and in maintaining the security of this Nation around the world. I am conscious also of the fact that those of us who serve here have a particular responsibility also, to our own people, to our own Nation. I am conscious of the fact that over the years we have done what we think we should have done in South Vietnam to stop aggression. But I think we have gone far enough.

So, Mr. Chairman, I come here to express my own opinion with regard to our problems in Southeast Asia, and with regard to our problems here in this Nation that all of us love so much.

So, Mr. Chairman, in my judgment, the military forays into Cambodia are roughly akin to a flirtation with disaster. They threaten to spread the war throughout Indochina, engulfing the United States in a conflict that may take decades to resolve.

The assault across the Cambodian border has yet to yield anything of genuine tactical significance—are a few huts, a few caches of arms, a few storehouses of rice worth risking a dramatically widened war? I think not, Mr. Chairman.

Our military leaders have been entertaining an illusion for the past decade—an illusion that our vastly superior firepower can conquer the guerrilla forces in Southeast Asia.

The bombing of North Vietnam, for example, failed abysmally in its strategic goal of ending infiltration into the South.

The incursions into Cambodia, as just one further example, failed to provoke, the kind of decisive pitched battle, that the Army's General Staff has been wist-

fully musing about since the early 1960's.

The enemy in Southeast Asia, scrupulously avoids military confrontations that might rout their forces. They are lightly armed bands of guerrilla fighters, moving with lightning speed and striking with devastating suddenness. They can melt away into the jungles and rice paddies almost instantly.

This country's forbidding array of tanks, airplanes, and artillery is far from decisive against such an enemy. The very concept of military victory is the most futile kind of wishful thinking.

I was alarmed to hear President Nixon speaking in vague terms of victory and loss in his television address last week.

It seems plain—indeed, conspicuous—that the only way to achieve a meaningful peace in Southeast Asia is through a negotiated political settlement.

For too long, Mr. Chairman, we have seen temporary operations turn into permanent ones.

For too long, we have seen bold new escalations of the war yield nothing even remotely comparable to the military's pledges.

For too long, we have seen our blood spilled and our resources squandered in a fruitless cause.

The results of 10 years of warfare can be summed up neatly—almost 50,000 Americans killed, 275,000 wounded, billions of dollars wasted, and peace still a distant prospect.

President Nixon, of course, is acting with honesty and with good faith in his efforts to end the war.

We in the Congress—we who disagree with his policies—must act with equal honesty and good faith.

Further debating and dithering about the war will achieve next to nothing. We must exercise virtually the only power available to us in shaping U.S. policy in Southeast Asia—the power of the purse.

I will support Congressman LEGGETT's amendment. I strongly urge its passage.

As I suggested in a resolution introduced here a few weeks ago, all U.S. combat forces should be withdrawn from Southeast Asia within a year.

If the South Vietnamese are not yet ready to defend themselves, they will never be ready.

And if our allies around the world are not yet convinced that we are prepared to shed our blood in defense of liberty, freedom, and the Nation's security, they will never be convinced.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Chairman, an earlier speaker this afternoon indicated that he challenged one of the rationales of the President for the action that was taken last week. He challenged the rationale, that this operation would help the military capability of the South Vietnamese.

I think his challenging of that rationale indicates his lack of knowledge as to what is going to happen to the capability of the South Vietnamese Army in the months ahead. We know that they are being better equipped and better trained,

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and operations such as this against the sanctuaries will inevitably lead to better leadership and greater morale on the South Vietnamese military forces.

Mr. Speaker, I am convinced that their role in this tragic war will be increased, and be increasingly successful. Their military success will accelerate the withdrawal of American forces from South Vietnam.

Another speaker a few moments ago made the statement, and I believe I am accurately repeating his words—that the President of the United States had made slippery determinations in justifying his decision to do what was done last week.

I was quite surprised that the individual would so characterize the decision of the President of the United States.

"Slippery determinations"—you can disagree with what the President has decided, but I do not believe it appropriate to label them as "slippery determinations."

The overall purpose of the sanctuary operation is to shorten the war. The purpose of the operation is to lead to greater and greater withdrawals of American participation.

A year ago at this time there were 540 and some-odd thousand U.S. military personnel in South Vietnam. Today, there are 450,000. The President has promised to have 150,000 less military personnel in South Vietnam a year from now.

The purpose, as I said, was to shorten the war and to decrease our responsibilities in it.

This operation, I believe, is producing results. Let me give you the results that were given to me as of this morning.

In less than a week of this operation, as of this morning, approximately 3,000 of the enemy have been killed.

Approximately 650 of the enemy in the Fish Hook and Parrot's Beak area have been captured.

This means that roughly one-third of the enemy personnel in those two areas have either been killed or captured. This is a very high ratio of success against the enemy.

Furthermore, in this 1 week or less of ARVIN and U.S. military operations over 4,000 enemy weapons have been captured—weapons which if they were in the hands of the enemy, would be used against American soldiers, sailors, marines, and air force.

In addition our forces have captured over 1 million pounds of enemy rice. The destruction of enemy food supplies will help our forces and hurt the enemy.

This means that 10,000 North Vietnamese soldiers will have difficulty for a 3-month period in sustaining themselves in a military operation just because the enemy will have fewer weapons and less food supplies.

It means 24,000 man-days will be lost by the enemy in food supplies, enough food stocks for 2½ enemy divisions for an extended period.

But let me point this out. Within the last 4 or 5 days over 725,000 rounds of small arms ammunition have been captured. What does that mean?

It means that over 725,000 rounds of enemy ammunition cannot and will not

be used against American military personnel.

Mr. Chairman, this in my judgment is indicative of the results of an operation that had to be done if our basic objective is to withdraw American forces and to increase the capability of the South Vietnamese to defend themselves.

I think this operation will be successful. The President has promised that all American forces in the Cambodian area will be withdrawn by July 1 and probably more quickly than that. The President should be applauded for his strong action and appropriate action in the best interest of the United States. This was a military operation that was essential and vital in the national interest of the United States of America, and I think we ought to support it.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MOSS asked and was given permission to revise and extend his remarks.)

Mr. MOSS. Mr. Chairman, I am very much interested in the impressive statistics just given us by the distinguished minority leader. There are other statistics that have developed during the course of the almost 1 week since this operation was commenced. Those statistics would reflect the deep division which has become greater and deeper in this Nation, the polarization of positions of the American public, the demands of the American people that the Congress of the United States act in response to its constitutional responsibilities.

I heard it said on this floor earlier today that the day of the declared war is over, and perhaps it is. But the day of prior consultation with the Congress should not be over. If that is to be the pattern of the future, let us face it frontally and propose to amend the Constitution to vest in the President, and the President alone, the power to determine whether or not this Nation engages in military operations in any part of the globe.

The decline of the power and the prestige of the Congress has been going on for a great many years. One Member, the gentleman from Illinois, said that it goes back to the days of Franklin Roosevelt. I think it started before then. It started as the Executive has grown and grown until today the Executive controls virtually all of the information upon which we here in the Congress rely.

Yesterday there were briefings at the White House for four committees. There are 435 Members of this House and 100 Members of the other body. The responsibility of each and every one of them is identically the same when they go back to their congressional districts. There are ways and means to bring these issues into discussion in this House if they are so sensitive that they cannot be made public. We have rules which permit executive sessions for the discussion of matters of such transcendent importance. But their use has not been proposed.

I think that we have here to recognize that the division at home can inevitably lead to the destruction of this Nation and of the institutions which we value or we should value very greatly.

Our freedoms are being denied us. We see the shocking spectacle of war between generations. I know of no instance in which a civilized nation has endured this type of warfare in the past—one generation against another—and remember that the generation against which all the criticism is directed today is the generation which in just a very few years will govern this country, whether or not we like it. Time is on their side and not on ours. They are entitled to be heard on their problems, and have them considered, and I do not think they have been given either the hearings or the consideration of the manner in which a continuing war—or a war which has now waged far too long—disrupts their lives and makes it impossible for them to plan.

I think it adds to the sense of unrest on the campuses and the uncertainties which we here in the Congress by our inaction have materially contributed to. I do not criticize the President for doing what we let him get by with. I think it is time we speak our piece, and assume our responsibilities to our Nation.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a poor time, place, and way, I submit, to lay down American foreign policy on a vital issue of this kind. What are we considering here today? We are considering a military procurement bill. In a few minutes here this afternoon, in the consideration of a procurement bill, it is being suggested that we tie the hands of the President of the United States and of the executive branch and lay down a course of foreign policy.

We have some troops in Cambodia right now. I assume if the Leggett amendment were adopted, and an emergency involving those troops arose, we could not send some tanks paid for under this bill in to help them out without first coming here and getting the approval of Congress.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. No; I have not time to yield. I will let the gentleman take his own time, please.

Mr. Chairman, it helps to have some little knowledge of history. There was a Member of this House called Abraham Lincoln who opposed the Mexican war, and he voted here in opposition to an amendment which tended to approve the Mexican war. Afterward he had to explain to his law partner Bill Herndon back in Illinois why he had taken that action. He wrote Herndon a letter in February of 1848, which I suggest is good reading for some gentlemen here, in which Lincoln explained that he voted against the amendment which commended the war, but that did not mean that he was not going to vote supplies for the troops. He believed in supplies for the troops, and he would not, according to what he said to Mr. Herndon in 1848, have voted for an amendment of the Leggett type in that war; because the thrust of the Leggett amendment is to perhaps deny needed supplies to the troops.

Lincoln knew how to oppose the war



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in a way that some people today apparently do not recall.

There is one thing I would like to say. There is a sound legal basis for what we are doing. The powers of the President as Commander in Chief under article II of the Constitution are broad and sweeping. They do not always, and they have not historically always, required a declaration of war by this body. We fought an undeclared war with France in our early days, we fought an undeclared war with the Barbary pirates in the early days, we have landed the Marines hundreds of times without a congressional resolution of war; and we cannot forget what President Truman did in Korea and what President Eisenhower did in Lebanon, all without declarations of war or prior congressional resolutions. So there is a legal basis for the President as the Commander in Chief to take such action.

As a matter of international law, when we have a neutral country like Cambodia which cannot maintain its neutrality—because the North Vietnamese are in there holding the country and using it as a base of offensive operations—international law, if I remember correctly, recognizes that a belligerent party has a limited right of self-defense to go in and do something about that situation—which is exactly what we are doing today.

Militarily it seems to me it makes sense to buy the Vietnamese Army about a year's time to get to be a betted army—and that is what we are doing here. It helps the program of Vietnamization to do that. That is what we are doing here.

So we have a military basis for what we are doing, we have a historical basis for what we are doing, we have a legal basis for what we are doing, and we have a sound policy basis for what we are doing.

In this country we give even an accused criminal the benefit of the doubt. I say when we have this kind of basis for what we are doing and when we have these very difficult problems, as American citizens, in these very perilous times at home and abroad, we ought to give the President of the United States and our Government the benefit of any doubt that may exist instead of embarrassing and harassing the President and the administration by ill-considered amendments on the floor of this body. We ought to give the President and our Government our support.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York (Mr. Reid).

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment offered by Mr. Reid of New York: Insert after the word "Cambodia" the following: "or to finance attacks on the territory of North Vietnam."

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLEY. Is the amendment in order? An amendment to an amendment to an amendment is now pending.

The CHAIRMAN. The gentleman from New York is offering an amendment to the amendment offered by the gentleman from New York (Mr. Reid) which was the original amendment. That is in order.

The gentleman from New York is recognized for 5 minutes in support of his amendment.

(Mr. BINGHAM asked and was given permission to revise and extend his remarks.)

Mr. BINGHAM. Mr. Chairman, this amendment is offered to the Reid of New York amendment, to extend it to the territory of North Vietnam.

It is my intention, at the appropriate time, after the Leggett amendment to the Findley substitute amendment has been disposed of, to offer the same amendment to the Findley substitute amendment. My amendment would not be in order now to the Leggett amendment.

Mr. Chairman, I support the Reid of New York and Leggett amendments. The success of one or another of these amendments is vital.

I have been dismayed by the Cambodian incursions. I believe that they have had their worst effect right here in this country.

President Nixon in his 1968 campaign talked about bringing the country together. I believe by this action he has taken a catastrophic step to break it apart.

Why do I offer this amendment now, which some of my good friends have said might confuse the situation? I offer it now because I believe North Vietnam is a part of this total situation. All three amendments before us refer not only to Cambodia but also to Laos and Thailand. I believe it is important that the restraint contemplated be extended to cover the territory of North Vietnam, so as to make it perfectly clear that the President has no authority to go in with ground troops into North Vietnam.

Every single rationale used to justify the incursions into Cambodia could be used to justify a limited incursion into the southern end of North Vietnam.

The second reason for my amendment is that I believe we should at this time preclude the possibility of large-scale bombing attacks in North Vietnam. These attacks have recently been stepped up. Coming at the same time as the Cambodian incursion, this is having a dreadful effect on the young people of this country. It is returning us to a policy that failed before, and it is presenting a danger to the slim chance we still have for the possibility of negotiations of this dreadful conflict.

I believe that the debate here today should include the subject of the bombing attacks on North Vietnam and their impact on the possibility of a peaceful settlement.

I believe the Nixon administration, at least since last November 3, has not shown any real interest in negotiation. It appears the President has virtually given up hope of a compromise political settlement. Yet, in the minds of many of us, this is the only way this conflict even-

tually is going to be ended, whether American forces stay on in Vietnam indefinitely or whether they are promptly withdrawn, as I believe they should be. In no case can the conflict be ended by victory for our side.

So, Mr. Chairman, we must do nothing that might close the door on the possibility of a political settlement by humiliating the North Vietnamese and making it impossible to continue to sit across the table and talk to us.

Certainly the Paris negotiations have not accomplished very much in the last year or more, but at least the two sides are in contact. Let us not take the chance, by returning to a reckless policy that is discredited, of destroying the thin, frail reed on which we have to rely for the possibility of a political settlement that could bring this miserable war to an end.

The Nixon policy of Vietnamizing the war is a false policy, raising false hopes. Its failure has been demonstrated by what the President did this last week. His actions represented a kind of desperate effort to find a way to serve the policy of Vietnamization, which cannot succeed. It cannot succeed because it depends for its success on cooperation by the other side, and there is no reason to suppose the other side will oblige. I hope my amendment will be supported.

Mr. HOWARD. Mr. Chairman, I move to strike the last word.

(Mr. HOWARD asked and was given permission to revise and extend his remarks.)

Mr. HOWARD. Mr. Chairman, I rise in support of the Leggett amendment; the amendment that will assure that this country and this Congress has no intention of widening or prolonging this frustrating war.

The Leggett amendment will in no way endanger the ground combat troops that have already, unfortunately, been deployed into neutral Cambodia. Its effective date is July 1, 1970—a date by which the President himself asserted yesterday that all of our troops will be out of that country.

But the Leggett amendment in many ways goes beyond its stated purpose. It gives this Congress the opportunity to fulfill its constitutional responsibility to the American people. It gives us the opportunity to go on record against continuing senseless killing of other human beings, both ours and our enemies. It especially will show to the young people of America that there is, indeed, an "other way" to be heard.

Mr. Chairman, during periods of social upheaval, when people are faced with horrendous challenges, they either rise to the occasion, face what must be faced, and do what must be done, or else they collapse, and go looking for scapegoats.

In my opinion, a large percentage of our older generation has failed to rise to the occasion, cannot bear to face what must be faced, or do what must be done, and has wholly collapsed, seeking only the necessary scapegoat, to satisfy its wounded pride. And the scapegoat it wants to tear apart, most especially, is the politically active element in the younger generation.

Let me explain, so there will not be any confusion about it. I am not speaking in favor of the ones who burn down college buildings, intimidate school officials, break the laws, and interrupt the operations of society, just for the sake of causing a sensation. In every generation there are people like this—fragile, anguished, in psychological pain—who can only express their feelings by adopting the worst of the world around them. The wounded-in-soul are always with us, but I am not talking about them.

Rather, I am talking about those who have seen us as we are, and are taking us to task. They may enrage us by asking us just the questions we want least to hear, or disturb us with the depth of the perception of our failure. But they are right, and there is no getting around it.

I am speaking of the young people who question the moral justification of a terrible war, who want to know how we can travel to the moon but so pollute our water and our atmosphere that life becomes endangered—young people who wonder aloud at our turning this Nation into one huge traffic-jam—young people who question why we insisted on teaching them about the Constitution when, as a nation, we have absolutely refused to abide by its requirements in regard to men of different color. They call attention to the hypocrisies by which we live—our talk about national ideals, shrouded as it is by the shadow of materialism; our pretensions about religion, coupled with the practice of dog-eat-dog, 5 days a week.

And what can we say, in response? What do we say, in response? We say they are ungrateful. We gave them everything money could buy. They were the first generation raised in affluence, receiving all the material things their parents and grandparents worked so hard to get for them. And here they are, telling us it is the wrong kind of everything.

Perhaps it was the affluence. These kids, raised without the need to go grubbing for pennies in the street, had the time and opportunity to think; and some of their thinking, apparently, concerned that wonderful abstraction: the meaning of life. We gave them so much education, so many opportunities to travel; we were so candid with them about our frailties; we encouraged them to explore, and what have they become? Wiser and kinder and more deeply committed to our own ideals than we ever were.

There is an interesting parallel here, between the days of the Kennedy administration, which captured the imagination of American youth and the present era, which infuriates American youth. In one case, we had a country full of hope, determined the problems would be solved. Under the current regime, we have a hopeless policy, dedicated to retreat from reform and retreat from reality.

It is time to summon the courage to face the facts. Those bright, passionate, clear-eyed young people should not be ignored, or locked up, or betrayed or shot by a nation that needs them as no nation ever needed anybody. We parents have never brought up a generation of children so well before. They have turned out wise and strong, with a passion for

life and a quality of humanity blinding in its sheer magnificence. Somehow, we have raised an extraordinary generation of good people.

Now they are in peril. They are under attack as revolutionaries, and most of them are nothing of the kind. They are denounced as wreckers of the world because they speak against the wrecking of the world. It is entirely possible that they have, in fact, become the guardians of the "impossible dream", of Democratic triumph, and to attack and destroy them and their hopes now, under such circumstances, could well be the greatest catastrophe of American political history.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PIKE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

Mr. ARENDS. Mr. Chairman, reserving the right to object, I hope the gentleman heard my remarks earlier during the day to the effect that due to the fact so many Members wish to speak on this, it is only fair that everyone have an opportunity to speak; and therefore, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FINDLEY asked and was given permission to revise and extend his remarks.)

Mr. FINDLEY. Mr. Chairman, I rise in opposition to the Leggett amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

#### PARLIAMENTARY INQUIRIES

Mr. FINDLEY. Mr. Chairman, I pose a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Can the Chair state what amendment will be first considered?

The CHAIRMAN. The first amendment to be voted on will be the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment offered by the gentleman from New York (Mr. REID).

Mr. FINDLEY. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Then, I further suggest that the Bingham amendment be defeated, and as I understand the parliamentary situation, assuming that the Bingham amendment is defeated, the next vote will be on the Leggett amendment. Am I correct on that?

The CHAIRMAN. The gentleman is correct; to the substitute offered by the gentleman from Illinois.

Mr. FINDLEY. And then next will be the substitute which I offered?

The CHAIRMAN. The gentleman is correct.

Mr. FINDLEY. Mr. Chairman, just as the President has certain implied powers as Commander in Chief, among them the duty to protect American lives, the Congress equally has the implied legislative power of oversight and review of such Presidential action. The President has deemed it necessary to introduce ground combat troops into Cambodia to protect

American lives in Vietnam, and Congress now has the right and the duty to legislate concerning the presence of our troops in Cambodia.

Congress, and only the Congress, can properly authorize military operations on foreign territory.

The Congress has not authorized such operations in Cambodia. In my opinion it should not do so now. Indeed, I strongly urge that the Congress clearly express its opposition to such operations, and its requirement that ground combat operations now underway must be strictly confined to the short-term, emergency need to protect the lives of U.S. military personnel remaining in South Vietnam.

This can be accomplished by the acceptance of the amendment in the nature of a substitute. I have offered to the amendment of the gentleman from New York (Mr. REID).

To the policy question—Should U.S. ground combat troops be introduced into Cambodia?—my substitute clearly says "No," except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

To the factual question—Does the Congress have the constitutional duty to decide whether U.S. troops shall be introduced into Cambodia for purpose other than the protection of U.S. lives in South Vietnam?—my substitute clearly says that Congress has that right and must exercise it before troops can properly be introduced for such purpose.

To the factual question—Does the President have the right and duty to send troops in order to protect U.S. military personnel remaining in South Vietnam?—my substitute clearly says "Yes," but it requires that the President, in invoking this right and duty, make a determination that U.S. lives are threatened and report such promptly to Congress.

The requirement that the President report promptly to the Congress would entail a detailed discussion of why he felt it necessary to act without prior congressional authorization. This report would then be received by the Congress, examined by the appropriate committee, and if deemed necessary, passed upon by Congress. Thus, Congress would be able to decide whether in its judgment the President had acted within or beyond his constitutional authority.

This amendment would do something which no other amendment under consideration today would do—it would assist the Congress in the exercise of its implied powers of legislative oversight and review of the use of the Armed Forces of the United States.

Where the President has an implied duty to act to protect American lives, the Congress has an equal implied duty to judge that act and to determine whether the President acted within permissible constitutional bounds.

We all recognize that the President's implied powers as Commander in Chief are not unlimited. For example, he cannot properly use implied powers as a guise. He cannot undertake a new long-



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term commitment on foreign territory without the prior approval of Congress, arguing this was to protect American lives. His control over the Armed Forces of the United States empowers the President to order troop movements without the approval of Congress, but the Congress has the right and responsibility to decide whether, in its judgment, the President acted only to protect American lives. In addition, the Congress must judge whether conditions were so critical and urgent as to have made prior consultation with Congress unwise or impossible.

President Nixon told me yesterday at the White House that he believes this reporting procedure is proper.

Therefore, I urge you to reject the amendment of our distinguished colleague from California (Mr. LEGGETT). It will strike out the requirements in my amendment that the President report promptly to the Congress any exercise of his implied powers in Laos, Thailand, or Cambodia. The Leggett amendment omits any reference to the President's implied powers. It ignores the implied powers. But by doing so it does not diminish them. It merely strikes out a phrase which will assist the Congress in the exercise of its own powers of oversight and review.

Our President has declared the combat actions constitute neither a widening of the war nor a reversal of our program of withdrawal of all U.S. combat troops from South Vietnam.

Acceptance of the substitute will help establish worldwide credibility for the President's declaration. This is vitally important. There would be grave danger to our Nation if his announcement and actions are misinterpreted as encompassing more than the short-term, limited objective of protecting American lives remaining in South Vietnam during Vietnamization and withdrawal. No one should mistakenly believe that the United States is once again seeking a military solution or a military victory.

This misreading would be especially unfortunate on the part of foreign powers capable of widening the war; that is, the Soviet Union and China. We must also reassure our allies in Asia as well as in Western Europe, some of whom have already reacted harshly. Most importantly, we must speak to the American people and for them, many of whom are deeply troubled and confused by this turn of events and have reacted with intemperance and even violence. As we withdraw from Vietnam we must not let our country be torn apart by divisiveness in the same manner that it was torn apart when we were going in.

The Congress has both the opportunity and the responsibility to clear up any doubts about American policy in friendly and unfriendly foreign capitals as well as here at home. By supporting my amendment to the Reid amendment, Congress can act to clarify U.S. policy and accomplish these results:

First, as the representative branch of Government, inform the President that we as a body expect the scope and duration of present operations in Cambodia to be limited exclusively to protecting lives of American troops in Vietnam;

Second, require the President to seek prior congressional approval of any further commitment of troops to foreign territory; or if conditions are critical and urgent as to make prior consultation unwise or impossible, require that the President promptly report those conditions and his action to the Congress so that it can make its own judgment of the facts;

Third, reassure the American people, our allies, and hostile powers that this incursion into Cambodia does not represent a widening of the war. Basic U.S. policy of withdrawal and Vietnamization has not changed; and

Fourth, show to all the world, friend and foe alike, that, where the safety of our men is concerned, the Congress expects the President to use his implied powers, as Commander in Chief, to protect their safety.

Mr. FARBSTEN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FARBSTEN asked and was given permission to revise and extend his remarks.)

Mr. FARBSTEN. Mr. Chairman, I favor the amendment offered by the gentleman from California (Mr. LEGGETT) because I truly believe that this is the only means of having some restraint on the President.

Mr. Chairman, the President in widening the war in Southeast Asia is pursuing an illusory dream of military victory. His decision can only delay the withdrawal of American troops from the war. His decision can only mean that our domestic needs will continue to go unmet. His decision can only mean that he has broken faith with those to whom he promised a speedy end to the war.

We have heard the "we can win the war if only we expand it" logic before, and each time it has turned out to have cruel and predictable consequences. The Pentagon told us in 1965 if only we committed American forces to Vietnam for a short period we could drive Ho Chi Minh out. When that did not succeed, we were told, if only we bombed the northern ports, it would destroy the spirit of the North Vietnamese and bring military victory.

When we sent massive numbers of young Americans to Vietnam, it did not deter Ho Chi Minh, and when we began massive bombing of the North, it did not break the spirit of the North. It did, however, cost the lives of almost 50,000 American young men and injuries to over a quarter of a million.

Now the President has decided to accept the advice of the military who say an expansion of the war to Cambodia can bring military victory to Vietnam.

Symbolic of the illusory character of this goal is the pursuit of COSVN—Central Office South Vietnam—the command center for enemy operations over most of South Vietnam. The President in his Thursday message indicated that destruction of this center was the major goal of the probe. After almost a week in Cambodia, COSVN appears to be nonexistent.

All we have succeeded in doing is pushing the enemy temporarily farther back into the Cambodian interior, and de-

stroying some of his supplies. As a member of the House Foreign Affairs Committee, I heard the President yesterday offer the capturing of supplies as his justification for the invasion and the escalation of the war. He admitted, however, that the losses would only temporarily weaken the enemy and that he would return after the monsoon season. I hope we are not inaugurating a "revolving door military policy," which will require us to repeat this kind of maneuver periodically and remain in Southeast Asia on a permanent basis. This is the impression I took away with me from yesterday's meeting.

As important as the implications of the President's decisions are for the future conduct of the war, they have grave implications for the future fabric of our domestic society as well. The brutalization that wrought massacres like Mylai is being carried over to the domestic scene. The four deaths at Kent State University are symbolic of this fact—National Guardsmen firing into an unarmed group of students.

Kent State is symbolic for another reason as well. The President based his 1968 candidacy on the promise of a speedy end to the war, a promise he has reiterated several times subsequently. Those dissatisfied with our policy were told to just wait a while longer, for by working through the government system, they would soon see the war ended. By invading Cambodian territory and deepening our involvement, the President has broken faith with many of our young and driven them further from the system. It was this breaking of faith that the Kent students were protesting when four were killed Monday. It is this breaking of faith which is tearing the fabric of our society apart.

Ironically, while the young of this Nation are being driven further from faith in the governmental system as a means for bringing change, the President's Cambodian action represents a break with the system on his part; for from the legal standpoint, the President has overstepped his authority. The Constitution requires the consent of the Congress to declare war. The President has not gotten, nor even asked for this.

To go into any nation requires an invitation from the government of that nation. As far as I know, we have received no request from the Cambodian Government to invade its territory.

We have no moral or legal justification for being in Cambodia. Its impact is not being felt by North Vietnamese, but by Americans at home. We must get out of Cambodia right now, and out of Vietnam by the end of the year.

The only way the President's reckless new adventure is going to be checked is through congressional action, denying him the use of funds in Cambodia. To achieve this objective, I fully support the amendment by the gentleman from California (Mr. LEGGETT), which would require the President to obtain the consent of Congress under any circumstances before committing U.S. ground combat forces in Laos, Thailand, or Cambodia. It would have the effect of reasserting Congress's long ignored constitutional

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responsibility regarding involvement of the United States in foreign wars.

By the same token, I strongly oppose the amendment offered by the gentleman from Illinois (Mr. FINDLEY) which would give the President the discretion to send troops without congressional approval if the President determines such an action is needed "to protect the lives of American troops remaining within South Vietnam."

Under this provision it would be very easy for the President to rationalize almost any possible action by tying it to the Vietnam war. It has the character of a blank check and the tone of a second Gulf of Tonkin resolution. It would give the President a free hand to continue his pursuit of his reckless policies.

If the President refuses to muzzle the generals and admirals, the Congress must. I urge my colleagues to join with me in achieving this objective here today.

Mr. HEBERT. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HEBERT asked and was given permission to revise and extend his remarks.)

Mr. HEBERT. Mr. Chairman, I rise at this time following the gentleman from Illinois (Mr. FINDLEY) to make a statement of fact that I think the House should be very much interested in.

I preface what I am about to say by making the declaration that my position has always been consistent on military affairs, particularly in following our Commander in Chief, no matter what his name may be, whether it be Nixon, Johnson, Kennedy, Truman, Eisenhower, or Roosevelt, he is Commander in Chief, and he must make the command decision in all military matters.

So let there be no misunderstanding that while I may disagree with the way the situation in Vietnam has been handled, and I also may not agree wholly on the policy relating to Cambodia, but as to the overall military policy I still believe I should always stand with my Commander in Chief, and I stand with him today.

And I say to the gentleman who has just preceded me in the well of the House, and to clarify the situation, on yesterday morning I was one of those privileged to be briefed at the White House as a member of the Committee on Armed Services. And I asked the President of the United States, acting as Commander in Chief, his position on amendments now pending before this body as related to this bill—and this is not hearsay, this is exactly what the President said, and I give you the benefit of it, and particularly those of you who object to the President not informing you, and so I inform you of what he did say as related to the matter now before this body.

I asked him what was his position on the amendments now pending before this body. His reply to me was as usual clear, concise, direct and straightforward, and he said:

I favor the Findley amendment.

He named the Findley amendment by name, and he unequivocally said:

I favor adoption of the Findley amendment as it is related to the policy which I now pursue.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HEBERT. No, Mr. Chairman, I cannot yield at this moment.

I asked the President further would he prefer that no amendment be adopted to this bill? His reply again was:

I favor the adoption of the Findley amendment in preference to no amendment at all.

I think that is quite clear. That is what the Commander in Chief has said. And that is the message that I would bring back to you today as a direct quote of the President of the United States, who stands solidly behind the Findley amendment. And I accept the guidance of my Commander in Chief. If it is a weapon that he wants, if it is a weapon he thinks he can use to save the lives of our men, our life, even, in Vietnam, that life is worth saving.

Now, as to the procedure, I understand the parliamentary situation this way: The first vote will come on the Bingham amendment to the amendment offered by the gentleman from New York (Mr. REID). That vote having been taken, then those who believe in going ahead with the Commander in Chief and the President of the United States shall vote in the negative and vote against the Bingham amendment.

The next vote shall come on the amendment offered by the gentleman from California (Mr. LEGGETT). Those who believe in standing with the President of the United States in his effort to save the lives of American troops shall vote down the Leggett amendment.

Then the vote shall occur on the Findley amendment as a substitute to the Reid amendment. And those, again, who stand with the President of the United States in his courageous effort to save the lives of American troops and get those men back home as quickly as possible shall vote in the affirmative. And the Congress of the United States then shall have told the world that there is solidarity to the fullest extent in this body in at least that it does stand by the President and the Commander in Chief.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. HEBERT. I yield to the gentleman.

Mr. FOREMAN. Mr. Chairman, I support the Findley amendment:

In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

I believe it is responsible legislation in line with the action that the American people expect of the Congress. This amendment grants no power whatever. Rather, it recognizes the President's unquestioned duty as Commander in Chief to act with dispatch in emergencies to protect the lives of American troops.

Instead of enhancing executive power, it enhances our position as the Legislature by requiring the President to report promptly to the Congress if he exercises this emergency authority.

The Commander in Chief has implied authority to make this decision, and the Congress has the implied right to be informed promptly so it can—through the legislative process—examine the bases for the decision and where deemed advisable pass judgment.

This amendment may be the first time this right has ever been spelled out in legislation.

Through this means the Congress can help establish its proper role consequent to the provisions of article I of the Constitution, by passing upon the question of whether a President's emergency use of troops was within the narrow limits of his implied powers as Commander in Chief, and whether conditions were so critical and urgent as to make prior consultation with Congress unwise or impossible.

As to the President's personal attitude, he advised me yesterday that he supported the amendment. He also said he felt the reporting requirement was proper.

Further, this is exactly the type of action that has just been taken by the President in Cambodia—this action was taken, first, to protect the lives of the Americans who are still in Vietnam; second, to shorten the war in South Vietnam; and third, to expedite the extrication of U.S. troops from Southeast Asia.

For about 5 years the Communists have been building up command posts, supply and storage depots, communication centers and munitions stocks, and so forth, along the border of "neutralist" Cambodia. Some of these war centers are less than 33 miles from Saigon, the capital of South Vietnam. The Communists have repeatedly carried on their deadly, devastating attacks against the South Vietnamese and Americans, and then returned to their privileged "neutral" sanctuaries inside the Cambodian border—like a bank robber or murderer running across the street from the scene of his crime, yelling "King's X," and preventing the police from pursuing or accosting him.

For 3 days, U.S. B-52 bombers pounded these Communist encampments to "soften" them up for final destruction by 20,000 South Vietnamese and 10,000 U.S. troops. The combined forces have encountered only minimum resistance and casualties during their "cleanup" operation. During the first 5 days, over 1,000 Communist bunkers have been obliterated, various communication centers, command posts, supply depots, and munitions and storage centers have been destroyed. Over 619,000 man-days of enemy food supplies have been confiscated. Some 250-plus mobile military machines of the Communists have been captured or destroyed. Numerous enemy missiles, rockets, weaponry, and caches of munitions have been confiscated. Our bulldozers are now filling in and leveling the underground Communist posts and sanctuaries—some of them very elabor-

ate office complexes four stories deep underground.

This total operation will be completed in 6 to 8 weeks—just ahead of the rainy monsoon season. Then, for approximately 6 months this area will be wet, muddy and soggy, making it most difficult for the Communists to start rebuilding and resupplying. This should allow the South Vietnamese the additional time needed to continue the Vietnamization program, the buildup and strengthening of their forces to be able to defend their own country. We can also continue the scheduled withdrawal of U.S. troops without endangering the lives of those Americans who will still be in South Vietnam.

This action is not to expand the war in Indo-China—it is to shorten the war in South Vietnam, protect American lives and expedite an early honorable end to U.S. participation in this war.

I have trust and confidence in the ability of President Nixon to responsibly and decisively direct our operations to expedite an honorable end to the war—as compared to the previous administrations' 8 years of indecision, vacillation, and misdirection that committed 550,000 Americans to a stalemated ground war in Southeast Asia. Through a positive Vietnamization program initiated by the Nixon administration, our troop level has now been reduced to below 426,000 and is reducing every day. U.S. combat casualty rates last quarter were below any in the last 5 years, and the South Vietnamese are rapidly taking over the responsibility of defending their own country. Nixon's record thus far has been good—certainly, he should be given the support and opportunity to improve upon his commendable record.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, and my friends of the Committee, this is the most incredible experience I have ever had in my little over 7 years in this body. Here we are trying to decide military strategy on the floor of the House. How ridiculous can this be when we have neither the authority, responsibility nor expertise to do so.

I agree with my friend, the gentleman from Louisiana, when he said a moment ago, "let us stand behind our Commander in Chief." I do so, proudly and unwaveringly.

But in addition to the importance of supporting President Nixon there is another consideration, my colleagues—are we going to stand behind our men in Vietnam?

Let me tell you about a little experience—it probably will not influence anyone clamoring to tie the President's hands—but it influenced me. Not too long ago we had a Lieutenant Frishman, the naval pilot who was shot down just south of Hanoi, as I remember, and was one of the three Americans recently released by the Communists.

As he testified before our committee, and he was a prisoner of the North Vietnamese for 2 years, I recall him as he was sitting there laboring to light a cigarette with an immobile right hand. He could not do it because his elbow had been shattered when he was shot down. This

young man who had lost 65 pounds while he was a prisoner of war—and we have some 1,500 Americans who are prisoners of war or missing in action over there at this very moment—they will get the message of what is being said here by many people today.

I remember this lieutenant as he said, "You know, Mr. Congressman, the worst part about my whole experience was not when I was shot down and they picked me up and put me on display around the various villages. It was not when they taunted me and stuck me with sticks or as they threw rocks at me and all that—or as they put me in solitary confinement or as they did not give me the proper medical treatment which resulted in the loss of use of my right arm now." He said, "The worst part of my experience was the broadcast each morning and each evening." I asked him, "What broadcast?" He responded, "That is the time when the Communists broadcast the actual voices of American leaders—even U.S. Senators—who are condemning our position in Vietnam."

Let us remember this, my colleagues. We have over 400,000 young men over there now. They did not ask to go over there. They went over there because their country asked them to go. We had better be a little concerned about them and in protecting their interests and not further demoralize them.

Of course, the gentleman from California is interested in the loss of lives and in trying to deescalate the war. Who is not interested in that in this body? Certainly no one hopes and prays for peace any more than I.

But let us remember this, that the No. 1 man who is to receive the onus of all of this operation now, which I think is long overdue, in knocking out these sanctuaries, the No. 1 man who receives the onus is the Commander in Chief. God knows, aside from the loved ones of our boys over there, no one is more interested in saving the lives of the Americans in Vietnam than the President himself. He has the ultimate responsibility, which is indeed an awesome one.

Now let us get this thing in the proper perspective. We have not pulled the rug out from under our other Commanders in Chief. Then too, let us think about the over 400,000 young Americans fighting over there right now. Let us not demoralize them.

It has been said the President would accept the amendment of the gentleman from Illinois (Mr. FINDLEY). Frankly I should like to see no restrictions on him but that amendment is certainly the least objectionable. As I close let me say again it is not only a matter of supporting the Commander in Chief, who desperately needs and deserves our support at this critical time, but also our action would encourage those courageous young men in Southeast Asia.

Let us think about them and let us get on with the business of passing this bill.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words.

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, I include in my remarks a petition from the National Cathedral School deploring the actions of President Nixon in Southeast Asia and condemning his flagrant abuse of Presidential authority extending the war in Vietnam to Cambodia.

MAY 5, 1970.

DEAR CONGRESSMEN: We the students of National Cathedral School deplore the actions of President Nixon in Southeast Asia. We condemn his flagrant abuse of Presidential authority in extending the war in Viet Nam to Cambodia.

We hereby urge the Members of Congress to support the Reid Amendment to the Military Procurement Bill, as a statement of protest against the Nixon Policy.

Stand up for peace. Now,

Sincerely,

Nilil György, Lisa Capell, Wendy Mint, Deborah Van Dyke, Mae Wells, Jenny Glenduring, Susan Garcia Wolf, Sue Lentz, Lynn Sloan, Margaret Key (librarian).

Mary D. McReynolds, Kim Moss, Swan Conway, Zan Sloan, Ann Harmon, Sharon Stafford, Mary Clare Mekall, Gina Thompson, Patricia Row, Carol McMaron, Karen Lindstrom.

Sara Evans, Judy Karasik, Mircusa Warburton, Deffy Fowler, Dale Logsdon, Betsy Kelley, Frances Ticklen, Grace Bullen, Sydney Jaffe, Sarah Zimmerman, Cyni Craig.

Gail Pabarue, Can Moss, Gigi Farnham, Lisa Ross, Pamela Barthen, Alice Armstrong, Nancy Ouwerson, Nancy Nelson, Valerie Dawn Ruebrish, Kathi Albogast, Carol Thomson, Diana Vaterner.

Michelle L. Butler, Christine Sweet, Carolyn Peace, Katy Straus, Lisa Kodeen, Laurie Huntsman, Elspeth Farmer, Sue Lawrence, Elizabeth Fry (teacher of history), Winifred J. Mew.

Christian Fraly, Peggy Millen, Bebecca Baxter, Jeanne D. Meeker (teacher of French), Michael Grant, Devon Miller, Corey Nikebric, Sarah Hardison, Vicki Rand, Sally Hechinger.

Alda Metcalf, Yolanda Hontealegre, Even Tierman, Randy Aufather, Ginger Carton, Alfonso Lima, Mickey Rathbun, Dorothy Gove (teacher of English), Stephanie T. Farrior, Weston Mewhite,

Linda Pollak, Hemen Estill, Dean Richards, Allison Rea, Sage Cater, Lynn Burwell (brother over in Vietnam), Nancy Dudley (brother to go in June), Ann Butler (uncle in Vietnam), Amy Ignatius, Linda Terrell, Marina Shultz,

Verity Comonte, Elison Mayfield, Jennifer Knauer, Eugene Maechling, Pamela Hackes, Nancy Martz.

Deborah Washington, Elizabeth Barber, Patricia Jones, Lisa Gunter, Annett J. Holloway, Vicki-Ann E. Assedero, Myrnan Lundbergh, Roberto Piglour, Antonio Feigo.

Claire Ferguson, Laura Hardison, Cynthia Luessenhop, Shain Evans, Diana Barco, D. Sherry, Cornelia Ravenal, Michele Tanaka, Harriet Granet, Janet Mize.

Rose Cooper, Dolwen Mauzon, Diana Ridgley, Louana M. Lackey (Mrs. Melvin W.), Suzie Powell, Julia Albert, Diane Doyle, Anne McGehon, Jessica Herzstein, Ana Ellicott.

Sarah Lang, Andrea Loring, Gail Her, Daphne LeFeaver, H. Ferguson, J. Barker (teacher), Betsy Mott, Casey —, Becky Fralley, Anne Kenney.

Patrice Yager, Priscilla Blakeslee, Patsy F. Davis, Gigi Rinkin, S. Ketcham, A. Baxter, C. Shelton, R. Dorburton, Lisa Gladstone, Amity Janou.



May 6, 1970

## CONGRESSIONAL RECORD — HOUSE

H 3911

Lorraine White, Suzanne Fogel, Molly Carroll, Ruth Nortz, Cathy Bushnell, Joslin DePuy, Daphne De Ruy, Catherine Stirling, Kiki Lundberg, Lyn

Ceddy Rock, Nancy Beal, Terry McDowell, Crawford (hall porter), Mary Kimm, Diana Myers, Marjorie Batchelor, E. (teacher), Michele Spittler, Gale Lawrence, Elizabeth Epstein.

I would reply to the gentleman from Louisiana, who attempted to paraphrase the parliamentary procedure that is going to be pursued here this afternoon. The vote will come first on the Bingham amendment to restrict the President from authorizing further attacks in North Vietnam. I think if we want the SALT talks to proceed, if we think that the peace talks in Paris have any meaning whatsoever, if we think that we are getting any place at all with the Chinese in Warsaw, and if it is reasonable to talk to them at all, certainly we should not risk the aborting of those talks by 100-plane bombing raids attempting to take out a few antiaircraft emplacements in North Vietnam. Certainly that is not going to protect American reconnaissance planes. We have plenty of ways to protect those planes without reinstigating the bombing activities in that area.

I would say the next vote that is going to occur—and if we favor peace talks, I say support the Bingham amendment—the next vote will occur on my amendment to the Findley amendment, and I would say that if we are interested in maintaining the prerogatives of Congress, and for the first time in 5 years asserting ourselves in a meaningful way with respect to American foreign policy, this will be the first opportunity we shall have to do so. We have carried on meaningless debate or collateral discussion on many, many issues. We have had special orders on the floor of this Congress. We have had colloquies. But this is the first opportunity that we have had even to come before this body admittedly by way of a back-door authorization bill to bring out the points that need to be brought out with respect to overall American policy in Southeast Asia.

I would like to cite at this time another quotation. A few minutes ago I heard the distinguished minority leader talk about giving authority to the President to move into Cambodia, and, of course, my distinguished colleague on the committee from Louisiana said, "Follow the leader, Follow the chief."

I would say this: I have not followed the leader, either when he has been of my party or of the opposition party, when I thought he was wrong. I believe the reason we are in Vietnam today is that too many Members here have all followed the leader. We have all assumed that the Pentagon has some magic information and some magic ability to make these great decisions. But I find that 2 years ago, according to the records of the Library of Congress, the distinguished minority leader being quoted by the United Press International as follows:

[From the Washington Post, Jan. 10, 1968] CONSULT HILL ON "HOT PURSUIT," FORD ASKS

House Republican Leader Gerald R. Ford called on President Johnson yesterday to clear with Congress before committing U.S. troops to any "hot pursuit" of Communist troops across the Cambodian border from Vietnam.

"Personally I feel they have not made a case for hot pursuit," he told a news conference in commenting on current Administration efforts to bar use of Cambodia as a Communist sanctuary in the war.

"It is important that they [the Administration] come to Congress, present the problem, and get our concurrence before they adopt a new policy of hot pursuit. This would be a drastic change," he said.

Ford said he believes North Vietnam is displaying a "change of attitude" that could lead to negotiations and an end to the war, but he warned against any cessation of U.S. bombing until Hanoi also scales down the conflict. At a minimum, he said, North Vietnam should halve the flow of manpower and supplies across its border into South Vietnam.

Ford generally supported Mr. Johnson's conduct of the war. He said the recent intensification of air raids over North Vietnam represented a change of policy which he, as well as others, pressed on the President for months before it was ordered.

While denying any inside knowledge, Ford said current "feelers" from Hanoi on the possibility of starting negotiations may have resulted from the new pressure from the air. He said these Communist approaches appear "at least superficially" to reflect a change in attitude.

He commended Mr. Johnson's cautious response to Hanoi's reported willingness to talk if the bombing is halted.

On another point Ford said that he still does not think President Johnson has made a case for his proposed tax increase, and he does not believe Congress will approve it. Mr. Johnson's proposed curbs on overseas travel impress most members as an "expedient" rather than a solution but likely will be approved in some form.

Of course, the policy we are pursuing today is not "hot pursuit." It is a calculated operation. You do not get 50,000 troops together on the spur of the moment or in an afternoon.

This took at least 2 or 3 weeks or a month of activity. Did they come to the Congress or did they consult with us? The Secretary of State said they were going to consult with the appropriate people in the Congress.

Now, what is the difference between the situation then and the present situation? The only difference I can see is that then we were talking about hot pursuit, and now we are talking about a carefully planned major operation, which is a far more serious matter. So the prior concurrence Mr. Ford felt was essential to hot pursuit is even more essential to a planned offensive.

The purpose of the amendment now before us is to require exactly what Mr. Ford said he wanted, and I hope I shall have the pleasure of his support for it.

What we have here is a singlehanded redefining of the Constitution on the part of the President. Not only was the Congress not asked for its advice and consent; we were not even notified. The North Vietnamese apparently knew about this operation 3 days in advance,

the Veterans of Foreign Wars got a few hours' advance notice, but we had to read about it in the papers.

We cannot let this go on. If the only way the Congress can make its will felt is to place explicit restrictions on authorization and appropriations bills, then let us do it.

As far as the Cambodian operation itself is concerned, I say for God's sake let us stop confusing Vietnam with World War II. You cannot win a guerrilla war by going after strong points, road crossings, supply centers, and things like that; the other side is too dispersed. Any guerrilla force knows it cannot allow itself to depend on any single point, or any 20 points, because these are liable to be knocked out. The idea of attacking central points attracts us because it lets us use our firepower, but let us not kid ourselves into thinking it has any lasting effect. What we have here is just another search-and-destroy operation: the kind of thing we abandoned 2 years ago because it was not doing us any good.

You just cannot hope to deny supplies to a guerrilla army of this type. The amount of supplies they need to keep going is a tiny fraction of what they can bring in.

We were led to believe the COSVN headquarters was sitting right out in the open, smug and inviting; all we had to do was decide to take it out. Now we find our generals saying they are not sure where it is, and they are not even sure what it looks like. Maybe it does not exist at all.

It is bad enough that we further alienate our allies and divide our people at home with this move that has almost no hope of improving our position in Southeast Asia. But the fact is that every time we have escalated the other side has escalated in return. If anybody can suggest why he does not expect the pattern to hold true in this case, I would like to hear it.

The administration does not even seem to have a clear idea of what its motivation is. Half the administration spokesmen say we have to wipe out the tremendous North Vietnamese force in Cambodia before it overruns all of Southeast Asia. The other half say the North Vietnamese Army is depleted and decimated, Vietnamization is a brilliant success, and the Cambodian action is merely useful in clinching our victory.

I do not like this operation, and I wish the President had not listened to the wrong advisers. But it is underway, and I do not suppose we can cut it off in the middle.

The amendment we are considering would not do that. I think it is as moderate and restrained as we can get and still protect the national interest.

The amendment will not go into effect until July 1—8 weeks from now. By that time, the current operation will be over. Yesterday the President told us he absolutely expects to be out of Cambodia within 6 weeks. He said if he is still in there by the beginning of fiscal 1971, he is going to get some ensign and make him Chairman of the Joint Chiefs of



Staff. So the amendment will not affect the present operation.

It also will not affect the use of advisers and air support.

What it will do is confine our part of the ground war to Vietnam. We have to do this. We are not going to make the war smaller by making it bigger.

I am sure that enlarging the war is the last thing our colleague from Illinois PAUL FINDLEY wants to see, but in fact his amendment will give the President carte blanche to enlarge the war any time he feels like it.

The clause that permits operations in Laos, Thailand, or Cambodia only "to protect the lives of American troops remaining in South Vietnam" is so broad it could be interpreted as justifying almost any conceivable military operation in Southeast Asia. This is the new Tonkin Gulf resolution. Remember all the Tonkin Gulf resolution did was to authorize the President to "take all necessary measures to repel any armed attack against the forces of the United States."

The clause in the Findley substitute that requires the President to report to Congress after he sends in the troops is not going to do us much good either. The President could commit us to a simultaneous invasion of Norway, France, and Canada, and he could appear before this body, wrap himself in the flag, and get a standing ovation. Once American boys are committed, critical analysis becomes almost impossible.

The time to consult with Congress is before the commitment of troops, not afterward. Consultation after the fact is not consultation at all; the President might as well just let us read about it in the papers.

So what we have in the Findley substitute is the Tonkin Gulf resolution of Cambodia. We have seen where the first Tonkin Gulf resolution got us; now for God's sake let us not have another one.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. ARENDS. Mr. Chairman, I reserve the right to object. I hesitate to do this. I hope the gentleman from California will withdraw his request.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number or words.

(Mr. GUBSER asked and was given permission to revise and extend his remarks.)

Mr. GUBSER. Mr. Chairman, I agree wholeheartedly with the statement made by one of the previous speakers. This issue probably has caused a greater division among the American people than any other I have experienced in my lifetime.

There is no question about the emotion of the moment. I think we as responsible legislators ought to inquire within our consciences and ask ourselves if we are not attempting to legislate out of emotion. Are we trying to write a law in a few minutes this afternoon because a certain segment of our society has seen fit to influence change by rioting and burning and killing?

If that is the case, then let us disband the Congress of the United States and go back to the old Boston Tea Party technique. Mob violence and anarchistic practices may be acceptable as a force for change in totalitarian nations but not in this Republic.

We are here to reason.

I sympathize with everyone who is disgusted with this war, and I share their view. I state to you very frankly that if the Gulf of Tonkin resolution were under consideration today, and I had reason to believe it would be used as it has been used in Southeast Asia, I would vote against it. I do not believe we should ever again back our way into a war as we did in Vietnam.

Furthermore, once we committed American troops to moral combat, they deserved the chance to win. But we refused that chance and followed a policy which featured the greatest misuse of air power in the history of warfare. So I have grown disgusted and disillusioned with this war. So much so that, last Thursday, in the well of this House, I rose and spoke against any involvement in Cambodia, even including military advisers.

I did so in good conscience, because I believed wholeheartedly that this could be another means of backing ourselves into a full-scale war in Cambodia with a commitment of advisers today and more support tomorrow, and full-scale support the day after tomorrow.

On the following day I went to the White House and heard the President of the United States forthrightly explain what he did and why. He explained the alternatives which he was forced to choose between. One was immediate withdrawal of our forces—which most people would like if they could have the ideal. The other alternative was to continue the Vietnamization program and a gradual programmed withdrawal of forces so that by next year we would have practically every one of our ground combat forces out of Vietnam.

Our President, as Commander in Chief, saw fit to reject immediate withdrawal as a policy, and his only alternative then was to protect his Vietnamization program to give the South Vietnamese time and the training and the wherewithal to defend themselves.

It was the President's point of view this his withdrawal program was dependent on destroying caches of supplies and the underground bunkers across the border. He reasoned that as long as these supplies and facilities existed American lives were in danger and withdrawal of U.S. forces would be delayed. He convinced me of his absolute unqualified sincerity in accomplishing that objective only and then withdrawing from Cambodia.

Therefore, since these are the alternatives, and since the President has accepted Vietnamization and the continued withdrawal of U.S. forces as his policy and he chose to move to insure the success of that policy, the only question left is what can we in Congress do to speed up that withdrawal to the fastest practical rate. Speedy withdrawal is what I want and what everybody wants—just as fast as we can get it.

So I raise the question: Is this the

vehicle to accomplish that purpose? If we pass this Reid amendment, what do we have? We would be simply stating that after July 1 we cannot commit a single U.S. ground combat force to Cambodia unless it uses ships, missiles, aircraft, tracked vehicles, or rifles which were bought prior to July 1, 1970. This bill does not authorize a cent for personnel, for nontracked vehicles, or for operation and maintenance. It applies only to procurement which will take place in years to come. Taken in context with the fact that the President has promised a withdrawal from Cambodia long before July 1 it is obvious that the Reid amendment will have no effect on the withdrawal rate from Cambodia and Vietnam.

The proper vehicle is to amend the appropriation bill which deals with the entire military budget including manpower. Last year's appropriations bill forbids the use of ground combat forces in Laos and Thailand. That language can be repeated in this year's bill and Cambodia can be added. I will support such a limitation.

I believe we should vote the Reid amendment down, and support the Findley amendment. Then we should take the rational and unemotional next step of limiting the commitment of ground combat forces to Laos, Thailand, and Cambodia in the appropriation bill.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. PIKE asked and was given permission to revise and extend his remarks.)

Mr. PIKE. Mr. Chairman, I found much to agree with in what was said by the previous speaker, but I cannot accept the proposition which I have heard year after year after year, that this is not the right time and this is not the right vehicle to do anything or say anything about Southeast Asia. We always hear this. It is never the right time and it is never the right vehicle. It never has been the right time and it never has been the right vehicle.

As I said, I agree with much of what the previous speaker said. I simply do not know whether the President's moves, so far as Cambodia is concerned, were right or wrong. I believe that the military advantages to be gained from them are going to be less than the political disadvantages which are obvious from his having taken them, but I cannot prove it.

But there were things we heard at the White House yesterday of which I do approve. We heard, for example, that we had been requested to provide 400,000 troops in Cambodia, and the President said "No." We heard that we had been requested to provide, after that, for a lesser number, 200,000 troops, and the President said "No." And we were requested to provide advisers, and he said "No."

However, to say that by passing the Leggett amendment or the Reid of New York amendment we are tying the President's hands is pure "hogwash." This is a bill to authorize the procurement of aircraft, missiles, ships, and tracked combat vehicles with fiscal year 1971 funds. The least length of time that we are going

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to get tanks in the hands of our troops with fiscal year 1971 funds is 2 years from now, and planes will take longer than that, and missiles will take longer than that.

The only way we are tying the President's hands by adopting the Leggett amendment or the Reid of New York amendment would be if our troops are going to be in Cambodia 2 years from now.

I hope that the Leggett amendment is adopted. I hope that the Reid of New York amendment is adopted.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words. (Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. FASCELL. Mr. Chairman, the preceding speaker has made a point very clearly today which I raised in the colloquy last week, about the immediate effect and impact of any of the amendments which we are now considering.

We need to get down to the practical aspects, as the gentleman from New York has just done. We are not hurting the Commander in Chief when we state here a principle which is to take effect July 1, and which expresses a deep national conviction that Congress as representatives of the people should assert itself on this vital issue.

What we are doing, if we adopt one of the pending amendments is expressing the sense of the Congress. We have the opportunity on a bill which is certainly relevant to the whole issue; a military procurement authorization bill, to state what the sense of Congress is. I believe we ought to do that, even though it may have a limited legal effect.

Frankly, I said so last week, and I do not believe it is going to tie the administration's hands one bit, but it will tell the President and the American people clearly that the Congress insists on being consulted prior to the commitment of American military forces in foreign countries.

This is why I support the Leggett amendment as against the Findley amendment. The Findley amendment whitewashes the whole constitutional question of the President's action of April 30 of committing U.S. forces in Cambodia. I don't believe the Congress should do that at this time. We ought to have, I think, sometime, somewhere, in a proper committee of this House, a full review of the entire Constitutional question.

In the present instance the President resolved the issue in his own mind as the Commander in Chief. He cites the rationale of pursuit in self-defense and need to protect lives of Americans in South Vietnam. He has also used the rationale that the territory which was entered is not Cambodian territory; that it is under the total control of the Communists and therefore there was no invasion and therefore we did not cross the border of a neutral country which, by the way, objected to our entry.

That is fine if you can accept it; if it is legally sustainable under our constitution; if the Congress wants to go along with it and the American people will accept it. But I do not think we ought to

back into this kind of involvement by way of the Findley amendment, which endorses what the President has done, and grant him the approval of Congress in the future on powers which the President alleges he has under the Constitution, but which are widely disputed. I know the Findley amendment is offered in perfectly good faith. It supports fully the President's incursions into Cambodia. It whitewashes the whole question of the constitutional issue, which I believe, gentlemen, is fundamental. Accordingly I submit we should not support it.

Mr. Chairman, why did we announce the incursion? Why did we announce the number of U.S. personnel involved? Why did we announce the composition of the forces? Why did we announce our objective? Why did we announce that the United States was coming out on July 1? If the United States has told all that to everybody, then what is the big surprise? Why not have consulted the Congress in advance?

This announcement by the President was of very major international and domestic importance. It was not a mere military stratagem previously endorsed.

Why should not the representatives of the people, the U.S. Congress, at least the Foreign Affairs and Armed Services Committees have been advised before the fact?

Mr. Chairman, I enter this debate on the pending amendment not only as a Member of the U.S. Congress with nearly 16 years' tenure but also as a member of the House Foreign Affairs Committee, as chairman of the Inter-American Affairs Subcommittee; as a former chairman and now ranking majority member of the International Organizations and Movements Subcommittee; as a member of the State Department's Organizations and Foreign Operations; and the Special Subcommittee for the Review of Foreign Aid Programs. By appointment of Richard Nixon I represented the U.S. Government as a delegate to the 24th General Assembly of the United Nations. I have supported the foreign policies of our Government under Presidents Eisenhower, Kennedy, Johnson and Nixon.

Foreign policy is not and should never be a partisan issue, but now I am most concerned. The question before us today is simply—should U.S. ground combat forces be committed in yet another country in Southeast Asia with no prior consultation with the Congress? Unfortunately, this issue must be debated in the past tense since that commitment has already been made.

When the President announced on the evening of April 30 that American ground combat forces were that evening preparing to enter the Communist held sanctuaries in Cambodia, I immediately made my reactions and my analysis of this action known to the news media.

I stated that I was shocked and dismayed at this additional commitment of American ground forces in another country in Indochina when we had recently been assured that such a commitment would not be made. Is this Cambodian thrust a signal to the world—that the United States is committed to the entire struggle in Indochina?

I made it clear that I am not for a major commitment of our ground forces in Cambodia or any other place at this time.

I also questioned whether the President's action would bring Hanoi to the bargaining table. In my judgment, I felt that it would not. Hanoi has never demonstrated any intention of seriously considering the substantive issues in negotiations—whether facing greater military pressures as in the past or whether facing the withdrawal policy of the present. Therefore, I felt it was unrealistic to expect that our planned action in Cambodia would bring about a greater willingness on the part of Hanoi to negotiate—but rather an escalation in Hanoi's military response could almost definitely be expected.

I said that if our military assessment at the time of the President's decision was that the enemy was so weak and battered that this assault could be directed and completed in a relatively short time, and our objectives accomplished, the President's gamble would have been a successful one. Unfortunately, we have no evidence whatsoever that this is the state of the enemy forces.

I added that the danger lies in the alternative—if our ground troops are not reasonably successful, it would necessitate an increased American commitment for the very same reasons that were urged as a basis for the President's initial decision.

It was also clear to me that the President had completely reversed his policy in several respects. First, the commitment in Cambodia was made by the President despite assurances that no such commitment would be made. Second, the commitment was made without the prior approval or consultation with the Congress despite the President's assurance that such consultation would take place. Third, the President has given assurances that we were seeking a political solution to the war through continued peace negotiations, U.S. troop withdrawal and Vietnamization. By expanding our commitment into Cambodia, it would appear that he has now not only reverted to the previous policy of military escalation but has elected to expand the war into new frontiers.

To further confound the issue, Secretary of State William Rogers, appeared before the House Foreign Affairs Committee on March 26. I interrogated him specifically on the question of whether U.S. ground forces were to be committed in any other area. He assured me that there were no plans for such action.

Mr. Chairman, subsequent events have begun to corroborate my immediate reactions. U.S. forces have met little resistance in the three sanctuary areas entered last week. Some ammunition and supplies have been seized—some food has been obtained and some buildings razed. Today, three more sanctuaries were invaded by United States and South Vietnamese ground forces. It would appear that immediate results at least did not justify the tremendous military, political and foreign policy decisions of the President.

The President has assured us that

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troops will be quickly withdrawn—and that no U.S. troops will advance further than 21 miles inside the border of Cambodia. I hope this is in fact the situation. The news first advised us that U.S. troops would be in Cambodia only a few weeks—3 or 4. Then the estimate was reported as 6 or 8 certainly prior to the start of the rainy season. Now the report is that they will certainly be out by July 1—will U.S. troops be there longer? Only the President knows but we must guess.

Mr. Chairman, I call to the attention of our colleagues recent editorials from the Miami Herald and the Miami News which express similar disappointments and reservations regarding the President's decision:

[From the Miami Herald, Apr. 28, 1970]

**INDOCHINA IS NO PLACE FOR THE UNITED STATES TO FIGHT**

President Nixon has come to the hard rock of decision.

Should the United States respond to appeals for aid from the beleaguered Cambodian government, supplying arms at least and later men, as in Vietnam, at most?

Or should this country recognize the fact that there is an Asian, or Indochina, war involving Vietnam, Laos and Cambodia, which outsiders cannot reconcile?

The first question, if answered affirmatively, would reverse the de-escalation of the Vietnam phase of what has been all along an Asian conflict at the very time that Mr. Nixon was making good on his pledges of troop withdrawals. It would also risk headlong U.S. involvement on the premise that the government of Premier Lon Nol in Phnom Penh otherwise would collapse.

Reports from Saigon that recently ousted Premier Sihanouk, a "neutral" in the same sense that anyone can be a neutral in Ireland, may be spirited into Cambodia raise the odds against Lon Nol. His government has been vigorously anti-Communist.

Secondly, and on the other hand, the war is a political hybrid. The temptation is strong to let these peoples of ancient cultures stew in their own mortal juices.

In recent weeks there have been wholesale killings of Vietnamese in Cambodia without distinction as to their politics. As long as five years ago, Prince Sihanouk was charging before the United Nations that the Vietnamese are "eternal imperialists" intent on gobbling up Cambodia.

The quarrel goes even farther back in the history of Southeast Asia.

The Khmers, or Cambodians, once had an empire which extended over large parts of Vietnam, Laos and Thailand. In the 14th Century, the Vietnamese began encroaching on the Khmers and in 300 years had wrestled away the Mekong Delta region of Cambodia. Thailand, or Siam, joined the match over the next three centuries. The whole area of Indochina was glued together under the French, only to come unstuck in recent times. Hatred of the French was perhaps no more intense than hatred of one another.

There is no role here that the United States can play without further loss of life, treasure and prestige. It is time to get shed not only of the war in Vietnam but the larger war of which it is a part. In one fashion or another it has gone on for centuries, and probably is fated to go on for centuries more.

[From the Miami Herald, Apr. 30, 1970]

**DEEPER INTO ASIAN WAR: WHO ASKED CONGRESS?**

In "a necessary and effective measure to save American and other free world lives" the

United States is sending advisers, tactical air strikes and other support for South Vietnamese operations in Cambodia.

This is the Pentagon's confirmation of an announcement from Saigon of an operation already launched. Thus in a matter of a few days the United States has gone from shipping limited arms supplies to Cambodia to active participation in a war on the soil of that country.

The move is shocking all the more for its cynicism. South Vietnamese units, says Saigon, have been ordered "to return to the territory of the Republic of Vietnam right after the completion of the operation in the spirit of the respect of the independence, neutrality and the territory of neighboring Cambodia."

It is true that Cambodia has been used as a refuge and a supply area by the Viet Cong and the North Vietnamese. It is true also that the independence of Cambodia has been threatened by both elements, plus its own dissidents.

The fact remains, however, that the United States is fighting on the territory of another nation without a declaration of war by Congress and apparently without candid consultation with leaders of that body.

The Constitution delegates to Congress the authority to declare war. That power evidently has been passed to the Pentagon without constitutional amendment.

The commitment to Cambodia, with even more than the earmarks of the involvement in Vietnam, comes at a time of trouble not only at home but in other parts of the world.

A widening of the war in Asia, where ancient quarrels have repeatedly ensnared Westerners to their woe, is bound to be costly in blood and treasure. Cambodia is a country about the size of the State of Washington with a frail army and an abiding hostility for the Vietnamese—all Vietnamese. Forays across the border can only lead to deeper and deeper involvement in what is now acknowledged to be the "Indochina war."

While the head of this country is turned the Soviet Union has sent pilots to man Egyptian aircraft in a manner reminiscent of the Spanish Civil War a generation ago. This is a grave development in an area of the world where the national interest of the United States is plainly visible. In a few days this open and documented Russian intervention in the Middle East conflict could swing the balance of power against Israel, the only friend of this country in that embattled area.

Neither development bodes any good for the American people, who must pay the price of a faltering leadership.

[From the Miami News, May 1, 1970]

**NIXON HAS PUT US IN A NEW WAR**

In the strange semantics of our war in Southeast Asia, dispatching troops into a foreign country is not an invasion, fighting in a new country is not an expansion, increased military activity is not an escalation.

If only President Nixon could make it so by saying it's so. But taking the administration's own advice, we must heed what the President is doing and not what he is saying.

What he is clearly doing, despite his rationalizations to the contrary last night, is putting us into a new war, enlarging the risk of Chinese intervention, endangering more American troops in a corner of the world where our involvement is questionable and our future obscure.

Sen. George McGovern, who happened to be in Miami at the time of the President's address, summed it up in one word: "Appalling."

Senator McGovern is a Democrat and a long-time dove on Vietnam whose assessment might have been predicted. Yet the com-

ments of several members of Mr. Nixon's own party during hearings earlier this week before the Senate Foreign Relations Committee indicate that even the Vietnam hawks will be apprehensive over this new development.

It would be comforting to believe that Mr. Nixon can make good on his promise that this incursion will last only long enough to wipe out a North Vietnamese sanctuary. Then our troops will be withdrawn and we can proceed with the "Vietnamization" of the original war, the President said.

Nothing in the history of the Vietnam war, however, suggests that the North Vietnamese or their Cambodian allies will fight according to our Western ideas of victory and defeat.

Time and again we have raided "sanctuaries" in South Vietnam, proclaimed the area secure and gone on to new battlefronts, only to see enemy guerrillas melt back into the area and continue their operations. What encourages Mr. Nixon to believe that he can wipe out a headquarters enclave in Cambodia, fallback across the border and proclaim a victory?

Mr. Nixon's address last night was alarmingly reminiscent of countless other addresses on Southeast Asia in which President Johnson issued similar proclamations about our determination to avoid "defeat" in Southeast Asia.

Events proved that Mr. Johnson had no clear notion of what a "victory" would consist of in a conflict that had so many ingredients of a civil war.

Now we have widened that conflict into a new country which is undergoing a civil war of its own, and the war in Vietnam is another step closer to becoming a war for all of Southeast Asia.

[From the Miami Herald, May 2, 1970]

**RERUN OF A BAD DREAM, THIS TIME IN CAMBODIA**

First the arms . . . next the military advisers . . . then the troops.

The script in Cambodia shockingly is the same as the story in Vietnam in the days of Kennedy and Johnson. We can hear Lyndon Johnson asking Congress for \$700 million in 1965 (this year the war will cost \$17 billion) when there were 30,000 Americans in the jungles and paddy fields and saying: "We have no desire to expand the conflict."

Reading yesterday of the loss of the first GI on official duty in Cambodia we can recall the days of 1963 when the death of a single American was a news event and the toll mounted alarmingly to eighty.

Then as now the host government opposed American involvement at first. The Vietnam government urged the withdrawal of American advisers. Cambodia, never consulted before 8,000 U.S. ground troops crossed its borders, "will protest."

So a nation that cannot realize its mistakes is condemned to repeat them. This, we regret to say, is what President Nixon has done in escalating the war in Southeast Asia.

The intrusion of Cambodia, alongside Vietnamese troops only lately regarded as shaky, is described as temporary—to clean out North Vietnamese and Viet Cong command posts before the monsoon season begins later in May.

But large bases are under construction. This makes a mockery of the national policy of withdrawal from the Vietnam war.

The credibility of Nixon policy also must fall in question. Cambodia has been a neutral. It wishes to remain a neutral. The North Vietnamese and the Viet Cong have violated that neutrality. So, over the border, to help Cambodia "defend its neutrality."

To give Mr. Nixon his due, he is taking a military gamble which has enormous risks. If he fails he may indeed become "a one-term President." If it succeeds (whatever success in this instance really means) he will have spent more blood and treasure in the Asian morass.



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For most of Congress, and, we believe, most Americans are opposed to any more military ventures in Asia. Neither Congress nor the people were consulted. American troops are engaged in yet another foreign country without a declaration of war against anybody.

"I promised to end the war," said President Nixon Thursday night. "I shall keep that promise. I promised to win a just peace. I shall keep that promise. We shall avoid a wider war. But we are also determined to put an end to this war."

We have heard it all before—endless times. Sadly, it is not just a bad dream; it is reality in all its folly.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Bingham and Leggett amendments to the Reid amendment and in opposition to the Reid amendment and in favor of the Findley amendment.

I find this talk about the Findley amendment whitewashing the constitutional question to be most interesting. Actually what this House has been doing and what this Congress has been doing has been whitewashing the constitutional question ever since the Gulf of Tonkin resolution was passed in the 89th Congress. Also during the 90th Congress, under the previous administration, we had an opportunity to see almost 540,000 U.S. troops sent to South Vietnam. We saw this war escalated in every possible way, and on many occasions I took to the well of this House to denounce the escalation of this war by President Johnson and his "no win" policies. We kept bombing North Vietnam until, coincidentally, just a few days before the 1968 presidential election.

Now I am quite surprised to see some of the people who supported the policies of the previous administration rushing to attack President Nixon. It is a very curious about face.

Let us make no mistake about it. This administration inherited a mess in South Vietnam.

It is going to take more than just a year or two to straighten out this mess and to get ourselves out of Vietnam in a proper manner.

I have already publicly stated last week that I do not agree with the President's move in sending troops into Cambodia. I further stated that if Thailand, Laos and Cambodia as well as South Vietnam, all of whom are threatened by Communist aggression, really wanted to get the Communist forces out of Cambodia, they could have done so. The combined population of the countries I have just mentioned is approximately 63 million. The population of North Vietnam is approximately 19 million. So, if they had wanted to do the job, they could have done the job.

I also want to take some very strong exception to some of the statements I have heard here this afternoon to the effect that Vietnamizing the war in South Vietnam will not work. Let us face the facts. It is working and it will work.

Mr. Chairman, right now, today, there are more than 110,000 less U.S. troops in South Vietnam than there were on the day that President Nixon was inaugurated.

Further, he has already announced on April 20, 1970, that in the next year he is going to withdraw another 150,000 U.S. troops from South Vietnam.

Even though I have stated that I disagree with the action of sending U.S. troops into Cambodia, I do want to make it quite clear that we should take no action—and I am totally opposed to taking any action—that might in any way, whether it be this year, next year or the year after—endanger our forces in South Vietnam and in Cambodia.

So, Mr. Chairman, I urge the adoption of the Findley amendment and the defeat of the other amendments.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. Yes. I am glad to yield to the gentleman.

(Mr. ROBISON asked and was given permission to revise and extend his remarks.)

Mr. ROBISON. Mr. Chairman, whether or not any war is a "right" war is something generally for historians to settle. Be that as it may, I have long since concluded that, for us, the war in Vietnam is quite clearly the wrong war, at the wrong place, and at the wrong time.

For the people of these United States, this whole episode has become a foreign policy mistake of historic proportions, the true costs of which—in terms other than those of lives and treasure—have still to be determined.

Whatever the original justification may have been—in fact or theory—for our becoming so deeply involved in an effort to solve the internal problems of South Vietnam, that justification has long since disappeared. It seems to me that our greatest failure, among the many faulty judgments made in the past concerning Vietnam, has been our failure to keep our role in Southeast Asia in proper global perspective. While there may have been reason, a good many years back now, to try to help the people of South Vietnam preserve their chance at "self-determination," there were equally compelling reasons why that effort, on our part, needed to be kept strictly limited in nature.

For, as I said back in May of 1968—and there were advance echoes of the so-called "Nixon Doctrine" in my remarks—while we may "have a responsibility—because of our strength—to do what we can to help 'organize a durable peace' in this troubled world—to borrow the phrase from Dean Rusk, who uses it often—we, alone, cannot and should not try to insure and maintain peace anywhere and everywhere in such a world."

In those same remarks, I questioned whether Vietnam was, therefore, the proper place to take a stand for "freedom" in the abstract sense, or the wisest choice of strategic spots, if such were our true purpose, to have drawn an indelible line of containment against Communist aggression, of either the North Vietnamese or the Red Chinese variety.

Finally, on that same occasion, in commenting upon the then-developing public attitude toward Vietnam's mounting costs, I said:

People have an instinctive feeling, the correctness of which is hard to deny, that even worthwhile objectives can have a price beyond which it is foolhardy to pay—and that—as, in battle, not every bill is of equal value in lives so, in a long struggle, not every battlefield is worth the same cost to a nation's resources.

Besides this, Mr. Chairman, I have also long since concluded that the war in Vietnam—a war we mistakenly and regretably made "our" war—is not "winnable," at least in any practical sense that could be related in some fashion to the limited purposes that led us into it; and it would be my judgment that a vast majority of the American people have come to the same conclusion.

In at least an indirect manner, then, it was the force of public opinion so redirecting itself toward our problem in Vietnam that brought about, first, the retirement of Lyndon Johnson to private life and, then, the election of Richard Nixon as his successor.

Whether or not actually possessed of a "plan" to bring the war, insofar as we were concerned, to some recognizably successful conclusion—an exceedingly complex and difficult task under the circumstances—most of us thereupon took heart from Mr. Nixon's subsequently announced policy of "de-Americanizing" the conflict by withdrawing so gradually therefrom as to leave behind a South Vietnam with a chance of surviving on its own. Admittedly, such a policy was a risky one, offering no guarantee of success. While, in many ways, not constituting a good solution—and perhaps there was none such—I have supported this policy as seemingly the only "solution" available to us, and I have done so against the urging of those who, seeing no better or worse way out, have tried to tell me we should just quit without trying to make the best out of the worst.

I have also said repeatedly—the most recent occasion for doing so following the President's announcement of his plan to bring still another 150,000 of our combat troops out of South Vietnam during the next 12 months—that I believed this policy of withdrawal to be an "irreversible" one, paced to but not dependent upon the success of the collateral effort as also directed by the President to "Vietnamize" what might remain of the conflict.

I would, however, be less than honest, Mr. Chairman, both with myself and those of my constituents who may depend, in a limited way, upon my judgment in matters such as this, if I did not now admit that the President's surprising move—in force—into Cambodia has caused me to reexamine this latter question.

On the one hand, I listened intently last Thursday as Mr. Nixon declared:

The action I have taken tonight is indispensable for the continuing success of the withdrawal program.

And as he then added:

A majority of the American people want to end this war rather than to have it drag on interminably, (and) the action I have taken tonight will serve that purpose.



While I hope and pray such will prove to be the case, there is, on the other hand, so many ambiguities about our new situation, and so many parallels between this most recent decision and certain other military decisions as made by former President Johnson respecting Vietnam, as to lead me to share, evidently, with many of my constituents that sinking feeling of "here we go again."

On the basis of immediate military considerations alone, a fairly compelling case can, I suppose, be made for the President's difficult—and, in some ways, courageous—decision, though I would have preferred to see the incursion into Cambodia, if there was to be one, made by South Vietnamese forces alone. That would have been one further way of testing whatever progress has actually been made under the Vietnamization program—and a dramatic test, as well, of what most of us had understood to be the thrust of the so-called Nixon doctrine in such a situation.

However, the die has already been cast for us in the other direction.

Perhaps our troops in Vietnam can be brought home faster through Cambodia; I have my reservations about that, but time alone, will tell.

President Nixon has gambled much on such a hope.

He has also apparently gambled much on the hope that this show of strength—of new resolution—in Indochina will be noted by other powers, and in other parts of the world, where it is altogether possible that the credibility of these United States in a crisis situation has come under some question.

I am well aware of the necessity for concern in this connection.

And I am equally well aware of the fact—as George Kennan, an outspoken critic of the whole Vietnam operation has warned us—that:

Withdrawal from Vietnam is a delicate operation, and the only person who can arrange and direct it is the President.

But, Mr. Chairman, the events both of the past few days and the shadows cast by events yet to come out of all this demand that we, in Congress, be equally aware of our collateral responsibility with the President for the direction of foreign policy.

A penetrating editorial in this Monday's edition of the Wall Street Journal has reminded us that:

Though doubts and ambiguities are the price of a free society, the purpose of any foreign policy strategy is to preserve our free society, not to destroy it.

The editorialist then goes on to declare that:

The Vietnam war has taken such a cruel toll in destruction of the bonds of consensus and authority that allow a society to operate both at home and abroad that, by now, the danger of disintegration here is far more serious than any military threat in Indochina.

Mr. Chairman, it is with a heavy heart that I conclude such to, indeed, be the case; and that any further escalation of our involvement in the conflict in Indochina—or any further widening thereof—can only hasten that process of disintegration.

On last Thursday night, the President rightly said:

It is not our power, but our will and character that is being tested.

But not even the greatest power on earth can fight with troubled conscience, in a war without seeming end, for purposes so largely undefined—obtainable at only an unreasonable price, however desirable they may be in coldblooded terms.

I am therefore voting, today, for the Leggett amendment language to be added to this bill—inadequate vehicle though it may be—expressing the sense of Congress against the use of American ground combat troops in Cambodia, Laos, or Thailand. This is an inadequate vehicle for such purposes, as we all know, because funds for such purposes can only be provided through other legislative channels than this—and this bill, if enacted with such an amendment, would not even take effect until July 1, since it applies only to the forthcoming fiscal year; all of which helps point up the truly limited nature of congressional powers over the making of day-by-day foreign policy.

If such language does not become, by way of amendment, a part of this bill, I shall vote against it—something I might well have done in any event since, absent whatever the recommittal motion may change, the bill presently contains moneys for both phases I and II of the anti-ballistic-missile program that I oppose this year as in past years, as well as moneys for other items of military procurement that I do not believe necessary to our national security.

I know that, in some quarters, this action on my part will be taken as a break with the President whom I have, otherwise, so strongly supported.

That may not, so much, be the case if Mr. Nixon and his advisers mean what they seem to be saying about this incursion into Cambodia, in concert with South Vietnamese troops, being a "one-shot" affair, aimed at a specific, limited, military target or targets, with all of our troops being withdrawn from Cambodian soil within a matter of weeks, and thus well before the July 1 effective date of this bill.

But, if events should prove otherwise, I am hopeful that both the President and those of my constituents who are interested will understand that, even as Mr. Nixon has indicated that he took the action he has as a matter of conscience, my action in this regard has been similarly dictated.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words. (Mr. O'HARA asked and was given permission to revise and extend his remarks.)

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Connecticut.

(Mr. MONAGAN asked and was given permission to revise and extend his remarks.)

Mr. MONAGAN. Mr. Chairman, I support the Leggett amendment and I do so because I believe that it is incumbent upon the Congress to take a strong stand in opposition to further broadening of the

war in Southeast Asia. I know of no better way for the Congress to meet its obligations and to press for deescalation of the war than to insist that none of the funds authorized for military procurement be used to finance the introduction of American surface combat troops in Laos, Thailand, and Cambodia without prior consent of the Congress.

The decision to enter Cambodia without warning to the country or prior consultation with the Congress has shocked our people and while the President and the administration have taken great pains in recent days to stress the restricted nature of this operation, nevertheless the fact of apparent escalation and the movement across another frontier have raised doubts in the minds of the people of the country that will not be laid at rest and will further tear our already tattered social fiber.

The operative portion of the Findley substitute is substantially the same as the Leggett amendment except that coming after the move into Cambodia his substitute might at a later date be construed to be a ratification of the President's move. In addition, the language of the exception which authorizes the President to act, in essence adds nothing to the Leggett amendment since in my judgment it states a legal position which the President is authorized to take and which in fact President Nixon now claims is his right under the Constitution.

I believe that we must concern ourselves not only with the purely military situation on the ground in Southeast Asia but also with the state of public opinion, dissent and violence in our own country, and at the same time have a reasonable regard for public opinion through the world.

For these reasons I believe that the Leggett amendment should pass since it will give the Congress some opportunity to express its views on the subject of the expansion of military activity in Southeast Asia.

Mr. O'HARA. Mr. Chairman, I am one of those referred to by the last speaker who supported or at least refrained from public criticism of the policies of the last administration in Vietnam. When I first discussed the introduction of U.S. troops into Vietnam with high officials of the last administration, I questioned whether we could salvage the situation there at a reasonable cost. I thought that if we could not—and I said so—then we ought to stay out of South Vietnam, draw the line elsewhere and take other steps to safeguard our essential interests.

I was assured that we could salvage a free South Vietnam with a limited commitment of troops for a limited period of time. Not being a military expert, I accepted that assurance. Events since that time have clearly demonstrated that those assurances were mistaken—given in good faith, but mistaken.

It is, then, with some reluctance and with regret that I now rise to express my disagreement with the President's most recent actions in Southeast Asia.

My reluctance stems from the fact that I do believe that the conduct of our

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foreign policy is primarily, though not entirely, a Presidential responsibility.

I rise with regret because I have hoped for the past 6 months that we were heading in the right direction, and that, without approving of the details of the President's policies, or without endorsing everything that he said in his several speeches to the American people, I could take comfort from the fact that the President seemed to be trying to extricate us from our mistaken military involvement in Southeast Asia.

Mr. Chairman, it has long seemed clear to me—and I have thought to most of us—that what little we have achieved, or indeed, could achieve, in Vietnam has not been worth the cost, and cannot now be made worth the cost. It has long seemed to me that we should cut our losses and disengage ourselves from this seemingly endless war. Disengagement, I admit, is not the perfect ending to the sacrifices we have made out there, but it is the best of a set of bad alternatives, and is most assuredly preferable to the loss of more and more lives in a cause the cost of which already exceeds its value.

Mr. Chairman, it has seemed to me from my mail and from my conversations with my colleagues, with my constituents, and with others that this view was rather widely shared. Most Americans, it seems to me, have come to the same conclusion about the continuation of this war.

And it had seemed to me, as I listened to the President's speech last November, and his speech of a very few weeks ago, that the President, too, shared the view that getting American soldiers out of Vietnam and handing the destiny of that unhappy land over to its own war-weary people was in our best interest.

The President has spoken persuasively about Vietnamization, and narrowing the conflict, and taking every step open to us to end the war by negotiating.

Because the President has been so insistent along these lines and because I believed that his course was at least headed in the general direction that I wanted to go, I have not publicly criticized him on this issue.

But now, Mr. Chairman, the situation has changed. Now, it seems obvious, we have turned away from the policies which the President had expounded. The President's decision to invade Cambodia and undertake a limited bombing resumption involves an intensification of the war, and no amount of double-talk or Pentagonese phrases can alter that fact.

How many times, Mr. Chairman, have we been told that one more offensive, one more operation, one more sacrifice would finally finish the enemy's ability to carry on the fight? Is there anyone who still can hear that well-worn phrase and believe it?

Too many lives have been lost, too much money spent, and too much damage done to our national character for this war to continue. And the idea of serving our national interest by actually expanding the war seems to defy reason!

Mr. Chairman, I support the objectives which the President has repeatedly announced as his objectives in Vietnam—

Vietnamization of the war, and getting American men home. Those objectives are not served by a new war in Cambodia.

The way out of this war, Mr. Chairman, is out, not deeper in. The way to serve our national interest is to disengage, deescalate, and cut our losses.

In announcing his decision, Mr. Chairman, the President spoke of avoiding "the first defeat in our proud 190-year history." But defeat is not the question. The question is whether or not victory is worth the lives that would have to be paid to achieve it.

In Indochina, we must face up to the fact that the cost of victory is too high to justify its continued pursuit. The use of emotional oratory about an American defeat will not alter that fact.

It is time, Mr. Chairman, for all of us to stop demonstrating our own courage at the cost of other men's lives.

I intend, therefore, to support the Leggett amendment, and to support the Findley amendment only if the Leggett proposal is adopted.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to join the gentleman in the well in his remarks, and state that I too am going to support the Leggett amendment.

I would like to discuss the legislative procedure here that may come up. If the Leggett amendment is not adopted and the so-called Findley amendment is adopted, and there is a motion to recommit offered—and then the previous question will be moved, the previous question must be voted down so that the motion to recommit can be amended so that we can then tack on the Leggett amendment onto the motion to recommit.

Mr. O'HARA. That would be my understanding of it. However, perhaps you should direct your inquiry to the Chair.

Mr. CONTE. That is the gentleman's understanding, if that situation should occur. I thank the gentleman.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I thank the gentleman for yielding, and I also wish to join in the remarks of the gentleman in the well. I too supported the former administration until it reached the point where I felt that we were simply getting deeper, and this is a policy question. I thank the gentleman for yielding.

To me the issue today on these amendments is whether we support the President in expanding and reescalating this war without congressional authorization. I will vote for the Reid and Leggett amendments and against the Findley amendment. This puts me on record in this debate against expanding and escalating this war into Cambodia.

I deplore the fact that we have not been able to debate this war in Congress. A debate followed by a record vote would allow the Nation to reflect its opinion in the fall congressional elections. Instead the Republican leadership has joined with a segment of the Democratic

Party to prevent a continuing series of indicative votes on this issue. This has prevented the issue from being directly discussed and decided in the political and governmental arena, and has driven the issue into the streets and onto the campuses. This is a great tragedy. The great strength of our democracy is that it rests on the consent of the governed, which is registered by voting for officials who are judged by the votes they cast on the fundamental issues of the day. The policy of the Government thus changes with and reflects the position of the people. We must restore this system or the people will continue to lose confidence in this institution and it will be nothing but a debating society, and the people will look only to the executive department or, even worse, will completely lose confidence in government.

We must end this war and the best way to protect our troops is to take them out of Indochina. For too long we have been told that we can protect our troops by putting in more troops or by expanding the war into some new phase. I refuse to accept that argument. The President said his policy was to end the war and withdraw the troops. This invasion of Cambodia has changed that policy and I oppose this new policy of escalation by the present administration.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Chairman, I thank the gentleman for yielding, and I want to associate myself with the remarks of the gentleman in the well, and commend the gentleman for making them.

Mr. Chairman, on April 30, the President of the United States ordered an attack by American troops, operating with the South Vietnamese, to "clean out" enemy sanctuaries in Cambodia. On that day and again on May 1, I sharply protested that action.

Today, I am joining several of my colleagues in the House of Representatives in further protesting the President's decision. My strong objection to the administration's new policy rests in several areas of disagreement, some of these historical, some military, other political and moral.

Before my colleagues here I wish to mention but three of these objections. In addition, I would call to their attention a roughly drawn policy alternative of my own which may well encourage debate in this body toward the end of setting a new national policy of winding down the present build-up of armed hostilities.

I remain astonished by and steadfastly opposed to our President's new policy for the following major reasons:

First, the President's calculated invasion of Cambodia dangerously escalates the risks the United States is willing to take in Southeast Asia, while proffering seemingly marginal and illusive military and/or negotiating leverage in exchange.

Second, the President's justification for his policy of widening the war is to provide protection for American troops so that a scheduled withdrawal of 150,-

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000 U.S. combatants may be accomplished over the next year.

This is, of course, a thinly differentiated version of the rationale provided by the former administration and its military policy advisers. Each time that President sent in an additional 100,000 or 150,000 troops, it was to protect those sent before, until we had a half-million men involved with proportionately greater casualties and deaths following each step-by-step escalation.

Today, this President is asking the American people literally to accept "defense by invasion" in order to save lives. I do not believe our citizens understand this strange explanation their President is asking them to believe.

My third and final point—I believe it is quite clear that the President's new policy openly violates his earlier articulated policy for Southeast Asia.

The Nixon doctrine pledged that the United States upon request would aid those nations in Asia and around the world with whom we have military treaties. We have no treaty with Cambodia.

Cambodia is a neutral nation. We had no request for troops there at the time of the U.S. invasion. The government of that nation cannot even officially approve the aid we give, because of their desired neutrality. And so this administration abuses its own doctrine.

These are obviously days of great peril for our Nation. Our citizens of every rank are aroused, great numbers of them deeply impassioned. Hastily planned protests this weekend here in the Nation's Capital, as well as all across the country, raise the very real potential of new disorders.

Under these conditions, it is imperative that the Congress undertake new initiatives to shape national policy in response to the will of the people. I, therefore, offer the following policy alternatives and to stimulate a new, great debate on winding down the war. I recommend our Government shrink the base of the war by the following actions:

First. Withdrawing American combat troops and personnel from Cambodia.

Second. Naming immediately a top-level negotiator to the Paris peace talks to replace Henry Cabot Lodge, thereby demonstrating this Nation's good faith in those negotiations.

Third. Debating in Congress immediately a national policy of timely withdrawal from Vietnam.

Fourth. The Administration calling upon the United Nations to establish a permanent peacekeeping force in a neutralized zone between the nations of North and South Vietnam.

Fifth. Asking the United Nations to guarantee the protection and integrity of neutral nations (Cambodia) against the invasion of North Vietnam, or other hostile powers.

Sixth. Requesting support from Member Nations of the U.N. in the establishment of a program of economic development to sustain the volatile, inflation-ridden economies of those nations who are now at war on the Indochina peninsula.

I trust that these directives may be carefully considered as potential steps to the peace we seek.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Massachusetts (Mr. CONTE) said:

We will introduce a motion to recommit if the minority does not.

Who is this "we" he is talking about? Mr. O'HARA. On that I think I would have to defer to the gentleman from Massachusetts (Mr. CONTE).

Mr. GROSS. Is that the press study group?

Mr. CONTE. Mr. Chairman, if the gentleman will yield, I would state that we have plenty right over here on the Republican side that will be joining in on that. We have plenty of support for that on our side.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I thank the gentleman for yielding. I support the Leggett and Reid amendments, and I also strongly support the Bingham amendment which would proscribe the funding of any attacks—by air or ground—on North Vietnam.

Mr. Chairman, we have heard many reasons today as to why this is not the appropriate time or the appropriate way for the House of Representatives to reclaim its constitutional authority over the warmaking power. One might as well ask what is the appropriate time to visit Paris? The right time is now—any day, any week, any month. During my first term in the House, during the great 89th Congress, I sponsored a resolution creating a joint congressional committee to investigate what happened to Congress' warmaking power. We can start reclaiming that power and exercising that muscle today by passage of these amendments. Let us get on with it.

We are told that passage of these amendments would destroy the single voice with which America speaks around the world. Yet today, the press informs us that Secretaries Laird and Rogers have been ill-informed of many important military decisions, were only given hours notice of the invasion of Cambodia. The high respected and authoritative Max Frankel reports on the front page of today's New York Times on the increasing evidence that Secretaries Laird and Rogers had serious misgivings about the use of American troops in Cambodia and that President Nixon's war decisions of the last 2 weeks have been reached in an atmosphere of "confusion as well as dissonance"—that their "thinly disguised" opposition to Nixon's decision to move into Cambodia was based on "distrust of military and intelligence estimates adopted by the White House", as well as by their fears of the "domestic political consequences of further division of American society and defensive escalation of the President's rhetoric as well as policies." Within the last 10 days—indeed the day after the National Security Council reportedly started to consider further activity into Cambodia and

less than 100 hours before Nixon made his fatal decision, Secretary Rogers was assuring the House Appropriations Committee that the administration had no incentive to escalate, that the intent was to deescalate, and that "we recognize that if we escalate and get involved in Cambodia with our ground troops that our whole program—of Vietnamization—is defeated." Mr. Rogers assured the Appropriations Committee that if the administration ever contemplated "sizable use" of American troops in Cambodia that it would consult fully with the Congress because of the recognized need for public support.

Mr. Chairman, what a pathetic parody of national unity, and what a pathetic parody of straight talking and honest dealing with Congress, and what a pathetic parody of thoughtful inter-agency decisionmaking is represented by this disastrous Cambodian misadventure.

Perhaps it remains for the House to give long-needed, in-depth, thoughtful scrutiny of the whole complex of problems and events triggered by the unhappy decision to invade Cambodia—and to provide some steady, long-range leadership to boot.

Next, we are told that the safety of our troops in Vietnam depends on eliminating the Cambodian sanctuaries. We commenced almost a decade ago defending a handful of American advisers. Today, almost a decade later—a hundred billion dollars poorer and at a sacrifice of almost 50,000 American lives—we still have not established a credible reason for presence in Southeast Asia in the eyes of world public opinion and to leading spokesmen of the press, and civic and business organizations, to a wonderful, infinitely promising generation of university students, and to a sizable portion of this body. The best thing we can do to preserve the lives and safety of our troops is not to get more of them embedded further in that appalling Southeast Asian morass, but to get them out of there and back home as fast as is consistent with their safety and that of Vietnamese nationals whose lives would be imperiled by the withdrawal. No program for insuring their well-being and safety could possibly match bringing them back home alive and well and fast.

Lastly, we are told we should not politicize this decision. But it is in many ways a basic political decision, Mr. Chairman, involving a variety of political and economic tradeoffs. Of course, we cannot make national security decisions based solely on domestic political and economic factors—but they cannot be ignored either; and the political and economic fallout of the Cambodian decision is appalling and will grow more appalling as time goes on if we do not mend our folly. The Cambodian invasion has horrified and alienated our university students by the millions, our intelligentsia—the civic, business, religious, and labor leaders of America—by the hundreds of thousands. It has fed the fires of polarization and alienation of this country and has increased the gap between the establishment on the one hand and the young, the poor, the black, and the highly educated on the other.



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In addition, the Cambodian invasion will inevitably make more difficult our fight against inflation; it will increase the pressures for tax increases, and will further erode and diminish the already pathetic level of funding we are making available for rebuilding our cities and for creating viable systems of public health, education, welfare, skills training, and public service employment for the poor.

The course which the administration has charted, albeit with uneven, muted, still and clashing voices, is leading us down a road that can only lead to national disaster. The Congress must exercise its constitutional prerogative and take charge of the warming power. We have not done it in the 5 years I have served in this body—let tonight be the night.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. REID) and in opposition to the Findley amendment.

As one who, in 1967, proposed a plan for graduated, reciprocal identifiable de-escalation which led to the eventual cessation of the bombing of the north and the Paris talks, and as one who in January 1968, called for de-Americanization of the Vietnam war, and as one who has supported Mr. Nixon's plan to withdraw U.S. troops, I was chagrined at the decision of the President, without consent of Congress, to send thousands of American ground combat troops into Cambodia, and by doing so, to extend U.S. combat efforts into a nation that heretofore had not been part of the Vietnam battleground.

It is of course desirable and necessary to protect American forces. In the narrow context of the military situation in western South Vietnam, this could be a prudent and possibly successful tactical move. But in a larger context, the context of the American system of government and of our national and international priorities, this Presidential decision raises serious legal and human questions. The best way to protect American troops is to bring American troops home from Southeast Asia.

Last Thursday, before the President spoke, I supported the Reid amendment to the pending fiscal 1971 military procurement bill that would prohibit funds for the introduction of U.S. ground combat troops in Cambodia, Laos, or Thailand. I continue to support this position. I indicated at that time my strong belief that an invasion would render meaningless the most crucial plank of the Nixon doctrine, which was supposed to end the role of America as a world policeman. I stated, as I state now, that the people of the United States have no interest in Cambodia that would override the President's earlier announced intentions to place the burden for the defense of these countries on their own peoples and on other free nations in the East Asian area. I have heartily supported the President's efforts to withdraw American troops, but I think the process must be speeded up, not slowed down or stopped by a widening of this war. Even if this Cambodian strategy were to succeed

militarily, even if all U.S. troops were to be out of Cambodia in a week or a day, even if the success of these attacks would enable the United States to withdraw its forces in Vietnam at a faster rate, I think the risks involved in this decision are far too great to justify the President in ordering the invasion without consulting the Congress.

Mr. Chairman, I believe that we face at this time a constitutional crisis as well as a priority and a military crisis. I want to support and adopt the statements that were made by my colleague, the gentleman from Florida (Mr. FASCELL) in pointing out that this is a constitutional crisis that we face here.

I think it is very important for us to understand, as sometimes we are not wont to do, that this is a constitutional form of government that we have. There are three branches of that Government: there is the executive branch, of course, the legislative branch, and the judicial branch. We have a responsibility as legislators, as Members of the House of Representatives, to assert our prerogatives under the Constitution, as the President has as the Commander in Chief, and as the Chief Executive Officer. I think that one of the problems that we face today has been the definition as to what the Commander in Chief can do under the Constitution. This, I think, is what the gentleman from Florida (Mr. FASCELL) was trying to point out during the course of his remarks, and they are the same points that I would like to make at this particular time, namely, that we have come to the time when we are not just necessarily endorsing the position taken by the Commander in Chief as though we were members of the military, but that we have to look at it as Members of the House of Representatives, as to what our position is representing the legislative branch of the Government. In 1964 we were asked to support the Commander in Chief on a seemingly very simple resolution, the so-called Gulf of Tonkin resolution. I voted for that resolution, as did many other Members of the House of Representatives and Members of the Senate. I am certain that if that language were to come up again that many of us would not vote for that Gulf of Tonkin resolution.

I point out to you that the Findley amendment has the same connotations as the Gulf of Tonkin resolution because it provides a discretion, a congressionally-sanctioned authority, for the President to proceed to take certain action. We, by the Findley amendment, it seems to me, would be saying to the President that under our constitutional powers are supporting the action you are taking in Cambodia.

Six years later, in 1970, I think we can look back and see what the Gulf of Tonkin resolution meant. I hope that in the next 6 years we will not have to look back to see what the Findley resolution meant.

I subscribe to the thought that it is desirable for us to support the President as Commander in Chief within the limits of his constitutional powers, and I wish I could support the President in exactly everything that he has done with regard

to Cambodia. But regrettably I feel the amendment offered by the gentleman from Illinois (Mr. FINDLEY) does have the connotation of the Gulf of Tonkin resolution.

I urge my colleagues not to give this authority to the President.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman.

Mr. FINDLEY. Can the gentleman tell me in what respect my amendment would convey one ounce of additional authority to the President? Actually, to the contrary, it enhances the role of the legislative branch, of the Congress, in requiring a reporting procedure where the President under his implied powers does order action by military forces.

Mr. HORTON. In reply to the gentleman, I would say that the Findley substitute amendment has language which says that none of these funds shall be used to finance the introduction of American ground combat troops into these three areas, including Cambodia, without the prior consent of the Congress, except to the extent that such is required as determined by the President. It is not a question of whether the amendment affords the President any additional powers. Crucial here is the fact that this amendment simply endorses presidential action and discretion after the fact. This is an erosion and not an enhancement of the legislative powers of Congress.

I would urge my colleagues not to support this amendment.

(Mr. HORTON asked and was given permission to revise and extend his remarks.)

Mr. CAREY. Mr. Chairman, I move to strike out the last word.

(Mr. CAREY asked and was given permission to revise and extend his remarks.)

Mr. CAREY. Mr. Chairman, I rise in support of the Reid and Leggett amendments and in opposition to the Findley amendment.

I do so fully conscious of the wise cautions expressed here by distinguished Members of this body with regard to the fact that we are in what can be called a constitutionally gray area.

No less a scholar than Henry Steele Commager said in his book "Presidential Power":

The Issue Analyzed . . . It must be admitted at once that the constitutional document itself says very little about the matter of the conduct of foreign relations and the exercise of war powers, and what it does say is couched in general terms.

But I strongly urge that we have in this country a check and balance system in the gray area, and when one branch, the executive branch, goes too far or goes in a direction we feel it should not take consistent with our right and our responsibility under the Constitution to make war and raise armies, we are bound to speak up and we are bound to advise that branch we are going to exercise our power of restraint on such operations. That, I think, is what we are saying here today.

I agree very thoroughly with the gen-



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tleman from Illinois (Mr. ANDERSON) that the time has come either by way of a joint resolution or in some fashion, for the Congress to be explicit and to come out of that gray area and say in black and white that we intend to assume with greater certainty and cogency our function in determining who can say where our boys are going to go and how long they are going to be there and how many we are going to commit.

I think the country wants us to say this. I think the country is divided now because the Congress has not assumed its proper role and responsibility in ending this war by denying to anyone the power to send our troops into areas where they should not go.

I am not here speaking on a partisan basis. I am not speaking to discredit the Nixon policy. I like what I heard the President say in his Guam doctrine, when he said that we would no longer go to aid developing nations willy nilley. Rather, we were going to help them to assist themselves gain and sustain their freedom.

Then, President Nixon violated his own doctrine because he has unilaterally gone into Cambodia. So I am not speaking to discredit the Nixon doctrine or the Nixon policy. In fact, what I am doing is criticizing the continuation of the past administration's policy which has now become this administration's policy.

I call the attention of my colleagues on the committee that that policy was discredited by the voters in 1968 and it is incumbent upon us who were elected to end this war and not to extend it to Cambodia with an additional loss of lives.

Further, I believe in the constitutional powers of the President—but one of those powers is not infallibility. President Nixon has made a miscalculation on this Cambodian expedition and in opposing that miscalculation I have been joined at least by Secretary of State Rogers and Secretary of Defense Laird. It turns out today that they do not approve of his policy and they opposed to some degree of going into Cambodia.

So I am traveling in pretty good company. I think there are many here who have grave reservations about the extensions into Cambodia and the miscalculation it involves. It is not a policy. It is a theory. It is a theory that we can stop the war by hitting the enemy in its viscera. The trouble is it turns out that we cannot even find phantom, elusive, visceral headquarters, which is the objective of our so-called campaign. It is a discredited policy because the people themselves, after hearing the President make his plea for support, on the very next day, to the extent of only 51 percent, were willing to give him the kind of support such a policy requires.

I say it is now our job to correct the miscalculation. It is a miscalculation and it is a costly one, because he has indicated he felt the enemy—and the Vice President said this—did not have the power to retaliate. The enemy is retaliating, and this is the grave and unfortunate truth. Yesterday we had 41 fatalities, the highest in number of killed in any one day of combat since the conflict

began to phase out under the wise provisions of the President when he began bringing the troops out of Vietnam.

I say this is not policy; it is theory. We now speak out against that theory. It is already, I believe, a discredited theory because the exploit, if we can call it that, is not working, and I think we will save the President by getting out of Cambodia.

For the benefit of this record, I have traced in history the question of division of powers in defense of our country and I append it to my statement for the information of Members.

The Constitution of the United States of America, article II, section 2, clause 1, reads:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into actual service of the United States.

Although the history of the past 180 years have tested the meaning of this clause, there is still wide disagreement among the many authorities as to the exact nature and extent of the powers of the Chief Executive as Commander in Chief in the American system of government.

During the past 35 years this question has been considered principally with President Roosevelt's use of the powers of Commander in Chief in the years before declared warfare began late in 1941; President Truman's use of the powers in connection with sending American troops to Europe; and Korea; with the steel seizure case; and President Eisenhower's use of the powers in the Quemoy-Matsu Islands situation and in the civil-defense operation of June 1955.

Actions taken by the President in his capacity as Commander in Chief cannot be understood within the framework of the constitutional grant of such power. Such actions must be also considered from the standpoint of his other Executive powers such as his constitutional powers in the field of foreign relations; his constitutional power to recommend measures to the Congress; the numerous statutory powers granted to him by Congress—particularly those in which he is authorized to act in an "emergency"—and to his powers under the obligations entered into by the United States as a member of such international organizations as NATO and the U.N.

During the Continental Congress the question of the exercise of such powers did not exist since Washington was not President at that time.

Washington's involvement with the Congress concerning military matters dealt solely with establishing the militia and creating the Military Establishment. There were no serious questions in regard to the exercising of his powers as Commander in Chief. In 1798 President Adams, when trouble with France arose, divested himself of Commander in Chief powers and bestowed them upon Washington. This action was confirmed by both House and Senate.

In 1801 President Jefferson dispatched a small squadron of naval vessels into the Mediterranean to protect U.S. commerce against threatened attack by Trip-

oli. He announced the action in his first annual message to Congress.

In 1811, President Madison announced in his third annual message to Congress that he had employed a naval force to guard the U.S. coast in the interest of national security.

President Madison requested a declaration of war in 1812 which the Congress passed. Under legislation authority delegating to the President the power to call out the militia under conditions of actual or imminent invasion, he called out the militia for service in the war. Three New England Governors refused. The President's authority to decide when an emergency has arisen and to take action was tested and confirmed by the Supreme Court in *Martin v. Mott*—12 Wheat. 19 (1827).

President Monroe concluded an executive agreement on the limitation of naval armaments with Great Britain. The agreement was submitted to the Senate for approval.

In 1844, during negotiations for annexation of Texas, President Tyler ordered land and naval forces to the area to protect Texas against a Mexican invasion. In his first annual message to Congress, President Polk announced that he had sent military and naval forces to the coasts of Mexico and western frontier of Texas to prevent any trouble resulting from the annexation of Texas.

On May 11, 1846, President Polk asked the Congress to recognize the existence of war with Mexico. Congress complied but not until it had debated whether a war did exist and whether it was a defensive war.

President James Buchanan viewed Presidential authority in a somewhat limited way. In refusing to join Britain and France in the war against China, President Buchanan stated:

It was impossible for me to proceed further than this (maintenance of a neutral position while seeking a settlement by peaceful measures) on my own authority, without usurping the warmaking power, which, under the Constitution, belongs exclusively to Congress.

When the Civil War broke, President Lincoln issued a proclamation for 75,000 troops and called a special session of Congress. In his message to Congress on July 4, 1861, he stated—

The Executive found the duty of employing the war power in defense of the Government forced upon him.

The blockade of the Confederacy was effected by proclamations made by President Lincoln. His authority to institute a blockade was tested and upheld by the Supreme Court, 5 to 4, in *Prize Cases*—2 Black 635 (1863).

On May 3, 1861, President Lincoln by proclamation order the Army increased by 22,000 and the Navy by 18,000. The action was legalized subsequently by the Congress on August 6, 1861, which "approved and in all respects made valid" the President's prior actions.

In May 1862, President Lincoln assumed actual military and naval command of successful operations against Norfolk.

September 22, 1862, President Lincoln

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issued a preliminary proclamation of emancipation.

December 8, 1863, President Lincoln issued a proclamation of amnesty and reconstruction.

President Andrew Johnson proclaimed end of insurrection except in Texas on April 2, 1866.

During Reconstruction in March 1867, the State of Mississippi tried to restrain President Johnson from carrying into effect the Reconstruction Acts on the grounds they were unconstitutional. The Court held that as Commander in Chief the President was performing purely Executive and political duties in enforcing the law, whether constitutionally valid or not.

During the same month, the Congress passed the Army Appropriation Act to the effect that the General of the Army should not be removed without the consent of the Senate which deprived President Johnson of his full constitutional authority as Commander in Chief.

President Hayes intervened in the railroad strikes of 1877 by calling out troops and furnishing arms to preserve order even though the statutes under which he acted required express application of the legislature or Governor which was satisfied only very informally.

President Arthur by an exchange of notes arranged an agreement with Mexico regarding the pursuit of hostile Indians. The action was done without seeking congressional approval.

President McKinley without statutory authority declared a blockade of Cuba by proclamation. Three days later Congress declared war on Spain and authorized the President to take necessary action.

In 1900, President McKinley sent an expedition to China during the Boxer Rebellion.

On September 7, 1901, a protocol was concluded ending the Boxer uprising. It was signed for the United States by a special commissioner to China whose appointment by President McKinley had not been submitted to the Senate.

President Theodore Roosevelt ordered the U.S. Navy to prevent Colombian troops from being landed in Panama in order to suppress the insurrection at the time the U.S. Government was negotiating for rights to build the canal.

President Roosevelt dismissed three companies of soldiers in Brownsville, Tex., "in pursuance of what, after full consideration I found to be my constitutional duty as Commander in Chief of the U.S. Army." This touched off heated debate in the Senate as to the President's authority and whether it contravened the Articles of War enacted by Congress.

President Roosevelt sent the U.S. fleet around the world even though the Congress had appropriated insufficient funds. The Congress was forced to make supplemental appropriations so the fleet could complete the trip.

President Woodrow Wilson ordered sailors and marines to capture Vera Cruz because of an insult to the U.S. flag. They occupied the city for 7 months. This action was taken without congressional authorization.

President Wilson requested congressional authority to arm merchant ships. This was defeated by filibuster but Wilson subsequently ordered an armed guard for merchant vessels.

President Franklin D. Roosevelt proclaimed a limited national emergency on September 8, 1939.

In June 1940, the Congress granted President Roosevelt the power to grant arms aid to American Republics.

September 3, 1940, lend-lease agreement—President Roosevelt entered in agreement with Great Britain for 50 overage destroyers. The action was defended as "resting on the President's power as Commander in Chief to dispose the Armed Forces of the United States."

The Lend-Lease Act of March 11, 1941, empowered the President to turn over war materials to the Allies if he deemed such action to be in the national defense interest.

President Roosevelt proclaimed the Red Sea to be no longer a combat area and permitted American ships to carry supplies to the British forces in that area.

President Roosevelt directed the U.S. Navy to patrol shipping lanes in the Atlantic and report movement of German vessels in American defensive waters.

May 27, 1941, President Roosevelt proclaimed "unlimited national emergency" ordering American vessels to sink on sight foreign submarines found in American "defensive waters."

On July 7, 1941, in a message to Congress, President Roosevelt announced U.S. forces would occupy Iceland to relieve the British forces.

July 7, 1941, President Roosevelt announced he had ordered the U.S. Navy to perform convoy duty for supplies sent to Britain under lend-lease.

August 14, 1941, President Roosevelt entered into the Atlantic Charter agreement.

September 11, 1941, President Roosevelt in a radio address announced order to U.S. Navy and Army to strike first at any German or Italian vessel in American "defensive water."

June 27, 1950, President Truman ordered the U.S. air and sea forces to give the Korean Government troops cover and support. He also ordered the Seventh Fleet to guard Formosa.

On June 30, President Truman announced he had authorized the use of troops in Korea.

"The Great Debate," January–April 1951, the Senate bitterly debated President's right to send troops to Europe. The Congress finally endorsed his program on April 4. Two resolutions, neither with the force of law were passed by the Senate. The President maintained repeatedly that he had the power as Commander in Chief to send troops to Europe but that his administration always consulted the Congress before making foreign policy decisions.

The use by any President of his powers as Commander in Chief is determined largely by his own predilection for any of the several theories on how the interests of the United States might best be protected.

Congress seldom has objected to the action of the President, as Commander in Chief in sending abroad and maintaining the Armed Forces without its prior concurrence.

Henry Steele Commager said in "Presidential Power: The Issue Analyzed":

It must be admitted at once that the constitutional document itself says very little about the matter of the conduct of foreign relations and the exercise of war powers, and what it does say is couched in general terms.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BROCK asked and was given permission to revise and extend his remarks.)

Mr. BROCK. Mr. Chairman, I rise because I think the argument today is getting somewhat out of reason. It seems to me that the action in Cambodia was taken, not to create a constitutional crisis, not to challenge the prerogatives of the House, not even to play domestic politics, but merely to protect American lives.

I have heard a great deal of criticism here today from those who have opposed the war in the past, saying that the policies of the past administration were wrong. I agree. But were they rising up on the floor of the House and defending the prerogatives of the House when it became known that we had lost American lives because our men were fired at from sanctuaries in Cambodia and the permission to fire back was refused? Were they standing up for American youth at that time? Where were those who criticized this war when we found out that, under the previous regime in Cambodia, a major amount of war material coming into South Vietnam was not coming down the Ho Chi Minh Trail but coming through the seaport of Cambodia called Sihanoukville? Where were they then?

I resent the fact that this argument is becoming a political argument, because I think there is something beyond politics involved in the question that we have today. There are 450,000 young Americans over there. You can debate the Constitution all you want to, and we can agree or disagree on its words. I do know one constitutional responsibility the President of these United States has—he has the fundamental responsibility to take such action as necessary to protect the lives of the American young people in the Armed Forces of this country who are acting in the defense of this Nation. I, for one, am glad that the thousands of young people from my State have a President with the courage to do just that. And I for one am grateful they have a President who has the courage to begin to bring them home, instead of continuing a policy of escalation by inches.

You may talk about your statistics all you want to. As far as I am concerned, the life of one young American man in the rice paddies of South Vietnam is more important to me by far than the possibility of opposition to any political candidate or even the "prerogatives of the House."

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I think the essence of the situation lies in the fact that whether or not any of us agree with our presence in Vietnam from the outset, we have no right to take any action that would jeopardize those men. Yet, that action was taken in the previous administration when our men were denied the fundamental and basic right of self defense by the granting of sanctuaries to the enemy. Do not talk about the action in Cambodia as being an invasion, an escalation, an expansion, or anything of this sort. The President's decision simply gave the right of self-defense to men who have been asked to place their lives in jeopardy to defend this nation. Let us keep it in that perspective. We need a deescalation of rhetoric and a renewed commitment to the speediest possible phasing out of American troops, so this tragic conflict can be brought to an early conclusion.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Chairman, I rise in support of the Leggett amendment and also in favor of the Reid of New York amendment, because, Mr. Chairman, each day's news brings us fresh evidence of a deeper American involvement in Southeast Asia.

First, American advisers accompanied South Vietnamese troops when they invaded the Parrot's Beak area of Cambodia. Shortly thereafter, the President took to national television, and caught the entire Nation by surprise when he told us that American ground forces were going into Cambodia to find the main Communist command headquarters and make a single decisive sweep of the area, an action, he claimed, would allow his Vietnamization plans to proceed minus the harassment from Cambodian-based Communist troops.

Then in rapid fire order, the United States dropped bombs in North Vietnam again and a third American force invades Cambodia in the northern end of the country, 250 miles away from the Vietnamese capital of Saigon. Now we have a fourth and a fifth American incursion.

I cannot believe that the President is so naive, or so blind to the fate of his predecessor, that he could be convinced by his generals that a temporary and limited effort, which is what he calls our newest adventures, can really turn the tide of war in Southeast Asia.

The President, and his Vice President, and his Secretary of State, and his Secretary of Defense, have offered several conflicting reasons for our forays into Cambodia. Among them are: We have invaded Cambodia, first, to avoid a military defeat in South Vietnam; second, to save Cambodia from Communist takeover; third, to ease the pressure on our Vietnamization program; fourth, to find and disrupt the Communist supply lines in Cambodia; and fifth, to find and destroy the Vietcong command headquarters in Cambodia that controls the fighting in South Vietnam.

Whatever his true reasons; I will not believe that the Indochina situation has

deteriorated so much that less than 2 weeks ago, the President announced plans for a massive troop withdrawal; now he has to recommit these same troops in an entirely new theater of action.

I predicted last week that the Nixon action would bring new and frightening consequences here at home. The tragedy at Kent State University speaks for itself. And it is not only the students who are confused and angry at the President's actions.

In Monday's New York Times, the usually unflappable James Reston said:

Powerful men in Congress and even in President Nixon's own official family feel that the Cambodian decision was reached with undue haste and carried out by deception.

Mr. Reston went on to say:

To defend his position, Mr. Nixon appears to be falling back on the old anti-Communist, anti-intellectual, anti-university, anti-newspaper and antitelevision line to prove his point, and this is dividing the capitol of the United States as it has not been divided since the days of the late Senator Joseph R. McCarthy.

The issue over the constitutionality of the Vietnam war and now the Cambodian war has long festered.

I contend that it is the role of the Congress, not the President, to authorize action such as that taken by U.S. troops in Cambodia in the past few days. More important than the Commander in Chief of the United States is the Constitution of the United States to which the Commander in Chief, the Congress, and the judiciary are all subject.

The so-called war powers of the Constitution are clauses 11, 12, 13, and 14 of section 8 of article I.

These clauses provide that Congress, and not the Executive, has the power:

To declare War . . .  
To raise and support Armies . . .  
To provide and equip a Navy.  
To make Rules for the Government and Regulation of the land and Naval Forces.

During his campaign for the Presidency, Mr. Nixon said that he had a "plan to end the war." The invasion of Cambodia proves that he did not then, and does not now, have such a "plan."

As Tom Wicker in the Sunday New York Times said:

The answer can only be that he has no "plan to end the war," much less win the peace, that Vietnamization by itself is not and cannot be such a plan, and that in the end Mr. Nixon like Mr. Johnson before him is pursuing the bloody chimera of striking one final overpowering military blow that will drive the North Vietnamese to their knees and thence to the conference table.

Mr. Chairman, the time has come for the Congress to reassert its constitutional rights and duties. Mr. Chairman, that is why I hope the House will sustain the amendment of the gentleman from New York (Mr. Reid) or of the gentleman from California (Mr. Leggett) and make it clear to the President that Congress will not support his plan to put the United States deeper and ever deeper into the Southeast Asian morass.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

(Mr. THOMPSON of Georgia asked

and was given permission to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Chairman, it is true that when the President ran he said he had a plan for ending the war in Vietnam. He has put that plan in operation.

For 8 solid years we saw a continued escalation in American troop presence in Vietnam—a continued escalation.

What was the plan? The plan was the third alternative that we have in Vietnam.

Let me give briefly the alternatives.

One is an all-out military victory. I happen to be one who believes we could achieve an all-out military victory if we chose to do so. It would mean such barbaric acts as we performed in World War II, when we burned entire villages in Japan and when in Germany we flattened entire cities and killed hundreds of thousands of innocent civilians. But that is the way wars are won militarily. Militarily wars are won by making the war so costly to the enemy that either he cannot or is unwilling to continue.

Yes, we could pursue that course in Vietnam. The President ruled that course out.

Then another course we could pursue in Vietnam is that which the Communists and many of their sympathizers here in the United States would like, which is an immediate American withdrawal, unilaterally, without any forewarning or plans that would allow the South Vietnamese to consolidate their position. This truly would enable the Communists, in effect, to massacre all their political enemies in South Vietnam and to take over South Vietnam with little or no resistance.

Bear in mind that during the Johnson administration the villages in South Vietnam were not armed. We did not give weapons to the villagers because we did not know who were Vietcong and who were loyal South Vietnamese. We knew the loyal South Vietnamese were in the majority, but we were afraid that some of the weapons would fall into Vietcong hands.

By providing weapons to the local military and providing weapons and support and training to the ARVN troops, we now see Vietnamization working—Vietnamization the third alternative in Vietnam President Nixon's plan to end the war with honor. It is precisely because Vietnamization is working that the people in Cambodia threw out Prince Sihanouk and told the Communists to get out of their country. They were seeing the success that was taking place in South Vietnam which gave them the courage to act.

But along the border areas are the sanctuaries, the nerve centers and supply centers from which all the Vietcong efforts in South Vietnam originate. Those are the areas American troops are striking at.

Let me make one point very clear. This is not an effort of the United States to come to the aid of Cambodia so far as support against Communist troops in the inland portion is concerned. The President has made this very clear. It is simply an effort to obliterate or to eradicate the areas from which the



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Communists are able to launch attacks against our troops in South Vietnam as they are becoming weaker because we are withdrawing them.

This is precisely the same type of tactic the Israelis used in regard to some of the Arab areas. We should not overlook this comparison.

For a long time we heard of the Golden Heights area where the Arabs were able to launch shells into Israel. The Israelis found it necessary to go in and seize that territory to protect their own inner territory. The same is true of the Sinai, which gave them a buffer zone against the hostile Egyptians, who said they were going to drive the Israelis into the sea.

I say this to the Members: Cambodia is only 33 miles away from Saigon. What is 33 miles? That is about the same distance as it is from here to Friendship Airport, or a little bit beyond Dulles Airport. When Cambodia is only 33 miles away from Saigon, as a sanctuary where they are able to cache their supplies and where they are able to have command centers, then it is a dangerous and disastrous situation for American troops in South Vietnam.

Militarily, if we are going to assure the South Vietnamese that they will have the time to protect themselves, this was a necessary military step.

One further thing, Mr. Chairman, and it is simply this: By destroying these areas it will take the Communists 6 to 9 months to recoup. During this time the South Vietnamese will have time to further Vietnamization in their area.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

(Mr. THOMPSON of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Chairman, it is quite natural in these supercharged times that there be a tremendous lot of rhetoric, some of a very high content and quality and some rather dubious. There is no one here who does not want to support the Commander in Chief, and I am one of those who do want to support him. I would also like the support of the Commander in Chief for the Congress from time to time. I think that is not an inappropriate suggestion. Nor would consultation with the Congress be inappropriate either.

I might suggest it would be well for us, all of us, to stop calling this "Johnson's war" or "Nixon's war," because it is in fact the war of the American people, including those who are over there fighting it. Many of those fighting were drafted involuntarily and are wondering while they are over there why we continue a system of selective service in which many of the privileged are exempt. This is the people's war. President Nixon alone cannot stop it.

Nor can he continue to escalate it without the consent of this body and the other body, which, under the often-cited constitutional powers, has the right to raise and support armies. We must exercise our powers and responsibilities.

I am certain that President Nixon wants to stop this war, and I want to

help him stop it. I want to help him stop it by voting for the Leggett amendment, the Reid amendment, and in the other body for the amendment sponsored by the Senator from South Dakota, Mr. McGOVERN, and others which would in fact end it. I cannot support the Findley amendment, for it gives the President carte blanche. I do not believe that the other body will support Findley either.

We seem to forget in the course of all of the terrible turmoil throughout the United States things have gotten out of focus. The ultimate fact is—and I think the students and other dissenters realize it—they are not 100,000 bums, but they are citizens of the United States—that the representatives of the people are the ones who have the ultimate responsibility. We must exercise that responsibility.

Mr. Chairman, I believe in this Government. I believe it should be responsive, and if its response is going to be a continuation of what I consider to be this misadventure, I do not intend to opt out of this system, but instead I intend to stay and fight for what I think is right. And I respect anyone else who has an opposite view. However, I do not intend to sit here and abdicate what I consider to be my responsibility to a person who is simply called the Commander in Chief with all of the powers. He, too, is responsible to the people, as we are. He, too, has to respond to the will of the American people. For the moment his mail might be running exactly the opposite of mine, but I consider myself to be a representative and not a delegate. So I am not going to weigh the mail on this issue. I am going to weigh my conscience.

And, I am going to go to the people in November and they will either reelect me or choose someone with whom they agree. My reelection is no more relevant to this issue than is a second term of a Commander in Chief who has not yet finished his first term and in the judgment of some, perhaps, ought to resign.

Mr. Chairman, a second term is like playing Monopoly. It is phony money. The politics of the situation are totally irrelevant. The responsiveness to the people, the obligation of our conscience, is what counts in this matter.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Chairman, I have listened to the debate this afternoon with a great deal of interest. As a member of the Foreign Affairs Committee I welcome such real interest on the part of many Members in matters of this kind.

I am convinced as a result of the discussion, however, that it is impossible to define, in specific language on the floor, in this bill, or to describe adequately, the role of Congress in the field of foreign relations.

Mr. Chairman, in my opinion, it would be virtually impossible to translate under present circumstances the way Members feel generally about foreign policy. As

I say, in particular, it would be difficult to put their feeling into proper language.

Certainly, Mr. Chairman, none of the amendments that have been offered begins to approach the problem adequately, in my opinion. In other words, the amendments that have been offered should, in my opinion, not be approved. None of them actually gets at the root of the problem, which is our concern about the nature of the conflict that is still going on in Vietnam. We are concerned also that its character may be changed without consultation or advice by Congress, indeed, or even without much knowledge about the nature of our mission in Cambodia.

In my opinion, therefore, the best course would be to reject all amendments.

A week ago a good case could have been made for the so-called Findley amendment. This would give leeway to the President with respect to the operations of combat forces, American combat forces, in Cambodia, but only if he felt there was a need to protect the lives of American servicemen. But to advocate that discretion should be given to the President, when he already has exercised his authority and the men are there, is accomplishing nothing, except possibly one might argue that by approving the Findley amendment now, we are giving flat endorsement as to what has occurred.

Mr. Chairman, as member of the House Foreign Affairs Committee I attended one of the briefings at the White House yesterday. I was grateful for it. But I, for one, still have serious misgivings about the wisdom of what we are doing in Cambodia. I would be reluctant either to vote for or against the Findley amendment under those circumstances.

What we should be doing—and let me be brief—if we feel we must insert language in this particular bill—and let me say parenthetically that I think the best course is to proceed as the gentleman from Illinois (Mr. ANDERSON) has suggested with a concurrent resolution—but if we must develop language that should be incorporated in this bill, it seems to me it should be language which would intend to take a form that would express our general view about the nature of the conflict most of us, I feel sure, would like that conflict in Southeast Asia ended as soon as possible.

With a few others I drafted, of necessity very roughly, some language that might be considered if the Leggett amendment should be defeated. Until that time, of course, the parliamentary situation prevents any further amendments.

Let me read the language:

None of the funds authorized to be appropriated by the Act shall be used in a manner inconsistent with the following purposes:

American troop withdrawals from Viet Nam shall continue expeditiously, in line with the expressed intent of the President, and every effort shall be made to achieve an early end to the conflict in Viet Nam negotiations.

Consistent with the national interest, the President shall avoid enlarging the present conflict into the neighboring states of Cambodia, Laos and Thailand.

That language or something like it seems to me to represent what a great many Members feel about the present



predicament that we face. It does not describe in any great detail what the role of the Congress is. It would, however, define how we feel about the conflict, and the way we would like to see that conflict ended.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot arrive at some time limitation on this amendment and all amendments thereto?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I wonder if we could not agree to close debate at 4:45?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:45.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MEEDS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MEEDS asked and was given permission to revise and extend his remarks.)

Mr. MEEDS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. LEGGETT) and in opposition to the substitute offered by the gentleman from Illinois (Mr. FINDLEY).

I think that if we were to adopt the substitute we could very well rue the day because I envision a time when it would become known as the Gulf of Thailand resolution. It contains the same germ, the same authority which is in the Gulf of Tonkin resolution.

Mr. Chairman, I do not take this podium lightly. I have never in my service in this Congress stood on this spot and spoken against our foreign policy as enunciated by the President, neither President Johnson nor President Nixon. In fact, in every instance I supported them, and I would like to continue to do so. But I have to speak out today because I think that this escalation and this wandering into this morass in Cambodia can do nothing—nothing but harm us.

I do not impugn the motives of the President, but I do seriously question his judgment in bringing us to this point. I think that our adventure in Thailand is going to result in nothing more than a spreading and a dispersion of the Vietnamese and the North Vietnamese throughout the whole of Cambodia. They will consolidate, later control, and bring Sihanouk back from Red China. He is there today. And I am sure he is very happy at what is going on. They will then install him and have de facto control, not only over North Vietnam, and parts of South Vietnam, but also over Cambodia. I think that this is a most serious misadventure. By following it we are destined to get further into the quagmire which is now all of French Indochina.

So I think by the adoption of the Findley amendment, we would give ex post facto approval to what the President has done. I do not think we ought to give that. It will result in further escalation to other countries. There is just no stopping.

Mr. Chairman, I have long been silent. I did not want to speak out against this because I did not want to tie the hands of the President. But after this latest mistake, I think it is time for us in the House and the Members of the other body to assert some restraint on the President.

Mr. RAILSBACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I requested recognition to ask the gentleman from Illinois, my colleague, some questions. I see that he is off the floor.

I yield to the gentleman from Connecticut (Mr. WEICKER) who wants recognition.

Mr. WEICKER. Mr. Chairman, as one who has consistently called for disengagement of our forces in South Vietnam long before this became administration policy, I have a few questions I think have gone unanswered in the debate.

In the period from 1960 to 1968 how many times did the Government of the United States withdraw troops from Vietnam?

In the period from 1960 to 1968 how many times was the defense budget pared?

In the period from 1960 to 1968 how many times were draft calls reduced?

In the period from 1960 to 1968 how many times was the military procurement authorization bill used to give direction to the Executive?

I think, and I suggest to my colleagues here today, that the suspicions of President Nixon that exist both on this floor and in our Nation are so because the Nation still remembers the track record of escalation and deception practiced by the previous administration rather than being based on the actions of the present administration.

The fact remains that the policy of this administration is a policy of withdrawal.

The fact remains that the policy of this administration is one of changing our priorities and reducing our dependence on the military.

The fact remains that we are in disarmament talks and the fact is we have had draft reform.

The policies have changed. What is left now are the numbers and the tactics.

I have heard comments made out on the floor this afternoon that President Nixon's policy of Vietnamization is no good and I suggest to you, it is far better than President Johnson's policy of Americanization.

No, I thank God there that we are at a point now where we are debating the numbers and the tactics because it shows that someone had the courage to change U.S. policies that 8 years of silence created.

Yes, I have reservations about risky steps taken for peace. But the fact remains they have been taken when with-

drawals occurred. They were taken when the defense budget was pared.

Now another step for peace takes place. It is not quite in the same mold as we would like to see, that those who were silent can comprehend it. But is a risk for peace not for war.

As long as this administration continues its policy of withdrawal and disengagement and reorientation of priorities, it will have my support and it should have the support of every Member of this House.

Changes have taken place in policy. Nit-pick if you will at the tactics and figures. But, I am proud to have as a President a man who has the courage of change in his blood. Change from war to peace. Change from negative to positive. Change from public relations to accomplishment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RAILSBACK) has expired.

Mr. RAILSBACK. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. HALL. Mr. Chairman, I object.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

(Mr. WILLIAM D. FORD asked and was given permission to revise and extend his remarks.)

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the Reid amendment and the Leggett amendment to the Reid amendment, and in opposition to the Findley amendment, which would, in effect, give approval to President Nixon's recent action in ordering U.S. troops into Cambodia.

I do not believe that in this very tense and turbulent moment in the history of this country there is a great deal to be served by a succession of Members following each other into this well trying to label our problems in Southeast Asia as "Johnson's Vietnam war" or "Nixon's Indochinese war." There will be plenty of time for that between now and the November elections.

But there are a couple of things that have been said here this afternoon that seem to me indicate a basis for the kind of frustration that we see finding expression across this country with the young people. I would remind you that the young people, to whom some are referring as "bums and bomb throwers," are the age group that is being asked to answer for what we do here, not merely with support through their taxes, but rather with their lives, their bodies, and with their future.

I have heard many people say here today that nothing is more important to them than the safety of the young people who are called upon to fight the war for us. I do not think there is anybody in either part, on either side of the aisle in this Congress, who would disagree with that.

But it seems to me to be some kind of fantastically complicated exercise in "double think" to be able to rationalize committing even more human bodies to the blood bath of Southeast Asia under the guise of protecting American lives.

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We have heard that same kind of rationale for years, ever since we got into this mess in the first place. With all due respect to the gentleman from my side of the aisle, the ranking member of the Armed Services Committee, who made the impassioned plea here today for us to support whatever the President does because, after all, he is the Commander in Chief, I say to him that is precisely what the young people of this country are asking us not to do. They are asking us to examine and question what the Commander in Chief and his military leaders are recommending to us.

I would remind him that when I took my oath as a member of the U.S. Navy in 1944 I agreed, as I should have, to follow every order that came from the Commander in Chief. Again, in 1950, when I took the oath in the U.S. Air Force, I agreed to follow the orders of the Commander in Chief. But when I came to this Congress, I took another oath. Taking that oath I said that I would support the Constitution of the United States and perform the constitutional duties imposed upon me as an elected Representative of the people who sent me here. As I read the Constitution, in exercising my duties, nowhere does it say that I must follow or take orders from the President or anybody else in the executive branch. The Commander in Chief is not in charge of me and is not capable of giving me orders. He is in the executive branch of the Government, and during the time I wore a military uniform, so was I and under the direction of his predecessor as Commander in Chief.

But now, gentlemen, we are in the legislative branch of the Government. We cannot duck our responsibility by trying to say that we are being patriotic; that we are following the orders of our Commander in Chief; and even gloss it over, if you will, by saying we have done so under two administrations. "We followed the Democrat, and now we are following a Republican," some say, thereby violating their constitutional oath on a bipartisan basis.

I would like to direct one comment to my friend from Michigan, the distinguished minority leader who I see now on the floor. Michigan has representation in the Republican leadership of both Houses of Congress; first, a man who is now our colleague, the distinguished Congressman GERALD R. FORD from Grand Rapids, who is minority leader in the House, and, our former colleague, the junior Senator from Michigan, who is the minority whip in the Senate.

The minority leader said today that we can rely on the figures that he is now giving us as evidence of the fact that the action taken by the President has been a success and we will, in fact, be out of Cambodia in a short time. I know the minority leader and I know the distinguished junior Senator from Michigan on the other side and know them both to be honorable men.

However, on the Sunday before the President told us and the American public that he had ordered thousands of American troops to invade Cambodia,

the Senator speaking as a leader of the Republican Party assured the country that President Nixon had no intention of reducing ground forces into Cambodia.

I know of no instance in the years I have known both of them when they have used either falsehood or misleading statements. But about 4 o'clock in the afternoon last Thursday just 4 hours before the Nixon TV show, the minority leader, Mr. GERALD R. FORD of Michigan, assured us on this floor that the President of the United States had no intention of putting American combat forces into Cambodia. If both Mr. GERALD R. FORD of Michigan, who is the House minority leader and the Senate minority whip were both that badly misled by the President as to what was going on in Cambodia, in their positions of power how can I as representative of my people believe what the President was or is now telling us?

Mr. Chairman, the shoulders of the American people are weary from the burden of Vietnam. Their backs are bent from the weight of the longest war in our Nation's history. Their hearts ache from the loss of over 40,000 of our country's finest young men. And their souls are tormented by the unprecedented divisiveness and turmoil within our country—a direct product of that involvement.

Look anywhere in America today and you will see problems which have reached crisis proportions because attention and funds have been devoted to the war in Vietnam. Our urban areas cry out for lack of adequate housing, and for lack of funds to effectively deal with the rising crime problem. Our schools and universities suffer from lack of facilities and equipment. Lifesaving medical research programs are ended for lack of funds. And we are forced to live with our own filth as pollution increasingly menaces the health of our Nation.

Never before in our history has this Nation witnessed such unrest and violence among its young. But never before has the perseverance and faith of the people been stretched to such a breaking point.

We have been asked to make one sacrifice after another, in spite of serious questions regarding the Saigon regime we are defending. And now we are asked to sit back silently and watch the spread of bloodshed into Laos and Cambodia as we become the violators of the neutrality of these nations.

President Nixon was elected largely on the promise of ending the war in Vietnam. Instead, he has widened the conflict across the borders of neighboring neutral countries. Our expressed purpose in Vietnam has been to protect that country from invasions across its borders. Now, we have become guilty of this same practice with our intrusion across the borders of Cambodia and Laos.

With every American death, our presence in Vietnam becomes increasingly difficult to justify. Our presence in Cambodia and Laos contains neither justification nor logic. The President rationalized his action in Cambodia on the grounds of protecting the American

troops in Vietnam. A far better protection would be to end this madness and bring the troops home. From within and without, our involvement in Vietnam is destroying us as a nation.

The people of the United States have repeatedly expressed their desire to terminate our role in the Southeast Asian conflict. How can we so flagrantly ignore the will of the people and still expect them to have faith in our democratic process?

President Nixon's expansion of the war in Southeast Asia has confronted Congress with a challenge of serious proportions.

When Mr. Nixon took his oath of office as President, he made a solemn vow to uphold the Constitution of the United States. In ordering American troops into Cambodia, a sovereign, neutral state, he is, in effect, waging war against another nation. He has done this in flagrant violation of the constitutional provision that only the Congress can declare war.

When we accepted our oaths of office, we also swore to uphold the Constitution. I contend, Mr. Speaker, that we are not fulfilling our oaths and obligation if we permit the executive branch of our Government to usurp a constitutional right which is vested in the legislative branch.

Our entire ill-fated venture into Southeast Asia has rested on extremely flimsy constitutional grounds. President Johnson used the SEATO treaty and the Gulf resolution as legal authority for intervention in Vietnam. In theory, at least, sent arms, advisers and finally troops into Vietnam at the express invitation of the South Vietnamese Government. We have no such invitation from the Government of Cambodia, although I realize that the Cambodian Government has given its tacit assent to our "invasion."

President Nixon went on national television to tell the American people that this expansion was necessary to protect our troops already in Vietnam, and to enable him to carry out his Vietnamization of the war. We were told that our invasion of Cambodia would smash the entire Communist headquarters for the war in Vietnam. At the end of the second day of the invasion, the U.S. command in Saigon reported that 634 "enemy troops" had been killed, and seven weapons captured. If we were killing enemy troops, where were their guns? If we were killing unarmed civilians, how did we rationalize that they posed a threat to our troops in Vietnam? Now we hear that our troops have killed several thousand of the enemy. But a picture and story in today's Washington Star tells of dead women and children, and of American troops looting a town from which the civilians had been driven. How do we rationalize this?

During the 1968 presidential election campaign, Mr. Nixon hinted at a "secret plan" to end the war in Vietnam and withdraw our troops. Was his plan to withdraw them from Vietnam only to send them into Cambodia? Will he next want to invade Laos and Thailand to protect the troops we have now sent into Cambodia? Are we on the verge of a full-fledged war in Indochina—a war on the

Asian mainland which military experts for years have warned against?

There are many questions to be asked, Mr. Chairman, and I think it is time that Congress exercised its constitutional rights to ask them—and to demand answers.

The tragedy that occurred this week on the Kent University campus is only another indication of how the war in Southeast Asia is tearing our society apart. My mail since the Cambodian invasion has been overwhelmingly critical of this Nation's role.

This Nation faces a host of domestic problems in a volume that is unprecedented in American history—polluted water and air, soaring crime rates, inadequate housing, widespread poverty, racial unrest, unbearable taxes, mounting inflation, lowered standards of health and education, congested highways—the list is virtually endless.

With these problems waiting to be solved, are we to sink even deeper into the quagmire of a war that has already cost us 50,000 dead, 275,000 wounded, and more than \$100 billion, not to mention the lives that have been disrupted, the education and training that has been lost, and immense gap that has been created between the American Government and its people?

Mr. Chairman, on the grounds of constitutionality, on the grounds of humanitarianism, and on the grounds of plain commonsense, this Congress must act to halt the executive branch in its mad plunge toward complete disaster.

Mr. McCLODY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to state very emphatically myself—and this is partly in response to what the gentleman from Michigan (Mr. WILLIAM FORD) from the Democratic side of the aisle, said—I never have supported the deployment of American ground combat troops in Vietnam or in that area at all, and I fully support the President's decision to withdraw all American combat troops from Vietnam.

The reason why I am supporting the President in his present action—and I was surprised, just as our minority leader was surprised—and as I suppose every Member of the House was surprised—when American combat troops were used in this operation—is because I am convinced the President is determined to withdraw all our ground forces, and in order to protect and to expedite that withdrawal, this action has become necessary. I believe the President—and I support him. For that reason I am supporting the Findley substitute amendment.

I think it is entirely appropriate and long past due that the Congress should consider its constitutional role in this whole area. We have had a war in Korea, and we have landed 12,000 troops in Lebanon by Presidential action without support by the Congress. The entire Vietnam operation has been carried on without the support of or any declaration of war or other congressional action except in the Gulf of Tonkin resolution.

It is entirely appropriate that we should consider what our proper role is.

But the constitutional issue is one which requires extended debate. It should be debated in an atmosphere of calm, and not at a time when we are in a critical situation such as we are now.

I would like to point out that the Presidential authority under the Constitution appears to authorize emergency actions, which is the role the President is undertaking to perform at this time. The present emergency involves the withdrawal of our troops and the protection of American lives. It is in that kind of emergency when we expect the President to act.

The framers of the Constitution considered using the words "to make war," in the grant of congressional authority. However, it was considered that these would be the wrong words to use, because that would indicate that the Congress would handle the conduct of the war. We do not handle the conduct of the war, this is handled by the Commander in Chief, and frequently the action he takes precedes the action by the Congress in declaring war.

So it seems to me our appropriate role should be studied and debated, and carefully identified and that the limited role of the President of the United States also should be spelled out. At the present time we have a situation where the conduct of the war in Vietnam is being handled by the President and the present conduct of the war involves the withdrawal of American troops. I am confident that what the President is doing is supported by the American people and by those who are the leaders of the nations involved. The Nixon doctrine of disengagement and of giving more responsibility to those who are involved is supported by the American people. I should think that should be encouraging to us. I do not see that this is any time for us to let the President down or to try to create a constitutional confrontation.

The only ones who can gain support and comfort from any action against the President's action at this time would be the enemy, and I do not propose to support any action here which would give comfort or support to Hanoi, Moscow, or Peking, or which would in any way let down our own men or defeat our goal of withdrawing completely our ground combat forces from this area and disengaging our forces from operations such as this in the future.

Mr. Chairman, in my opinion the Findley amendment recognizes our congressional prerogatives without frustrating the courageous and noble efforts of the President to restore peace at the earliest possible date.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, four students died this week because we continue to believe that we can solve our problems with guns and bullets.

I do not support President Nixon's Vietnamization policy because it is obviously based upon a military plan still wedded to the belief that we can solve Vietnam's problems with guns and tanks and bombs.

Serious efforts at negotiations have been abandoned. Ambassador Lodge has

not even been replaced since his resignation last fall.

We resumed the bombing last week without any announcement as to the reasons for this so-called retaliatory action. President Nixon on April 30 neglected to mention this important escalation which had at that time already been ordered to take place the following day.

It is almost forgotten that the talks began in Paris because we stopped the bombing of North Vietnam 18 months ago.

The bombing of North Vietnam together with the invasion of Cambodia can be no less than an escalation of the war designed to pursue more vigorously the military plan for total victory. There cannot be any other explanation or justification for this coordinated stepup of military activity.

The five sanctuaries which purportedly constituted the emergency which threatened our men in Vietnam have proven so far to be only rice-filled small weapon storage bunkers which would have remained no less through the monsoons while Congress could have exercised its constitutional duty to determine whether an invasion of Cambodia was consistent with our national interest.

The issue we must face today is whether we believe in the Constitution of the United States. Can we surrender our responsibility to exercise our judgment in these matters which affect the lives of our men overseas?

We can no longer rely upon the Tonkin Bay resolution to justify our failure to assume our constitutional duty.

We are faced with a new military adventure across the borders into another country. We must decide today whether we sanction this escalation. There can be no shirking of this responsibility. The Constitution states that the Congress alone has the power to declare war. We have the opportunity today to reinstitute this rightful responsibility in the House of Representatives.

Do we seek to wage more war or do we insist upon a negotiated settlement of this conflict?

I urge this House to support the Leggett amendment which firmly establishes the right of Congress to determine the issue of whether this war is to be extended into Laos, Thailand, or Cambodia.

Until April 30 it was the hope of all Americans that the announced withdrawal of American troops from Vietnam meant that the end was in sight. The only debate was on whether it was being done soon enough and for the right reasons.

On April 20 we were told that 150,000 more men would be withdrawn by May of 1971.

But 10 days later this announcement was shattered when the President told the Nation that in order for this withdrawal to be effectuated, it was necessary to invade Cambodia.

The President told us on April 30 that:

The American policy has been to scrupulously respect the neutrality of the Cambodian people—and that for the past 5 years we have provided no military assistance whatever and no economic assistance to Cambodia.

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He went on to further state that—for the past 5 years North Vietnam has occupied military sanctuaries along the Cambodian frontier.

He told us—that for 5 years neither the United States nor South Vietnam has moved against those enemy sanctuaries because we did not wish to violate the territory of a neutral nation.

It is my firm view that what has been the policy of our Nation for the past 5 years regarding Cambodia was a sound policy and that any change in such a long-standing policy should be the responsibility of the Congress of the United States.

Therefore, I urge the adoption of the Leggett amendment.

Mr. WHALEN. Mr. Chairman, I rise in support of the Leggett amendment and move to strike the requisite number of words.

Mr. WEICKER. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Connecticut.

(Mr. WEICKER asked and was given permission to revise and extend the remarks made earlier.)

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I want to thank the gentleman for yielding.

I would like to direct some questions at my good friend and colleague from Illinois (Mr. FINDLEY). I want to say at the beginning that I am one of the Members who has consistently supported President Nixon's Vietnamization program as well as his phased-withdrawal program. Up until now I have never hesitated to come out strongly, even during those rough days of the moratorium.

I do have some questions about the Findley substitute amendment, though. I am wondering whether, if this amendment had been enacted into law at the time that the President ordered combined operations involving U.S. troops in Cambodia, the President would have complied with the provisions of your substitute amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman.

Mr. FINDLEY. I am very glad to comment on that.

In my opinion, this would have had no effect upon the military action that the President took. I feel that his responsibilities as Commander in Chief are such that the Congress can neither add to them nor take them away. The effect of my amendment is not to add to the powers of the President as Commander in Chief but, rather, to clarify the role of the Congress subsequent to any such action.

A good many Members are under the impression that the Leggett amendment, if it is adopted, would have some effect upon the reserve powers of the President as Commander in Chief. I do not believe it for a moment. We could pass Leggett amendments all night, and it is my conviction that President Nixon as Commander in Chief would retain every

bit of responsibility that he had prior to that time to protect the lives of American citizens whether they be in uniform or not.

Mr. RAILSBACK. Will the gentleman yield further?

Mr. WHALEN. I yield to the gentleman from Illinois.

Mr. RAILSBACK. What troubles me about this is that, as I understand the gentleman's remarks, then the President would have been permitted to do exactly what he did and we are in no way limiting him as far as any kind of future recurrences of the Cambodian situation that we have been debating today are concerned. Is that correct?

Mr. FINDLEY. That is exactly true, so long as he interprets his action as being required to protect the lives of American citizens. I do not know of any sensible American citizen who would seek to diminish that responsibility on his part. Certainly I do not intend it by this amendment.

I might say that the Leggett amendment would have two effects, however. The first effect of the Leggett amendment would be —

Mr. RAILSBACK. Will the gentleman yield further?

Mr. WHALEN. Yes. I yield to the gentleman.

Mr. RAILSBACK. Let me say that I am not interested now in and I am not directing my remarks at the Leggett amendment, but I am more concerned about your amendment.

The gentleman from New Jersey (Mr. FRELINGHUYSEN), I understand, is now drafting an amendment which I may be willing to support.

What really troubles me about this is this: It seems to me those of us who heard the gentleman explain his amendment last week were of the opinion that it would somehow restrict or constrain the President as far as taking this kind of an action into a so-called neutral country without obtaining some kind of congressional approval.

Mr. FINDLEY. That is true.

Mr. RAILSBACK. It sounds to me, though, that there is no approval required and it is simply a report. I am not even certain when that report has to be made. Does the President have to report to the Congress before or can he report after the action is taken?

Mr. FINDLEY. He could elect to do either, but under the circumstances, as he explained them to the various Members of this body in the briefing yesterday, the circumstances required secrecy. I would assume if he would do it all over again, he would do it as he did without advance notice of the details given to any Member of Congress. I defend him in exercising that right.

Now, you ask about whether or not the amendment would have any restraint upon the use of ground combat forces beyond the territory of South Vietnam. It would, provided the action was not justified in terms of protecting U.S. lives. The protection of U.S. lives is a fundamental responsibility of the President of the United States.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MIKVA asked and was given permission to revise and extend his remarks.)

Mr. MIKVA. Mr. Chairman, I support the Leggett amendment to the Findley amendment and I will support, if I get a chance, the Bingham amendment to the Reid amendment. I think that without the Leggett amendment, the Findley amendment would be disastrous.

The Findley amendment in effect asks us once more to place our reliance on the President's good judgment and discretion in deciding where, when and how to employ U.S. military forces in Laos, Thailand, and Cambodia in order to protect the lives of American servicemen in South Vietnam.

As I understood the remarks of the gentleman from Illinois (Mr. FINDLEY), he contends that the President's power is absolute and that the Congress of the United States has no power at all. I respectfully disagree with the gentleman.

Mr. FINDLEY. Mr. Chairman, would the gentleman yield?

Mr. MIKVA. I shall yield to the gentleman in a moment. I think what we are being asked to do with the Findley amendment is to confirm the actions of the President over which Congress does have some control and those actions I think are a tragic backward step in our policy in Southeast Asia.

Mr. Chairman, I would have hoped we would never again hear our military commanders quoted to the effect that they had to destroy an Indochinese village in order to save it. Yet, daily we see reports of the burning and razing of Cambodian villages in the path of the advance of our forces toward an increasingly ephemeral "general headquarters" of the North Vietnamese Army.

Mr. Chairman, rather than reducing our commitment to Southeast Asia, the President unilaterally, and without prior congressional consultation, without even a nod to Cambodian sovereignty, and apparently with only a last-minute tip to his own Secretary of State, has chosen to expand the Vietnam war across new national boundaries. The Findley amendment, if adopted, would place our stamp of approval and our ratification upon those actions. I say the line of responsibility lies with us to turn that policy around.

Mr. Chairman, during the past 2 days I have reread some of the debate that took place in the House and in the other body in August of 1964 at the time of the Tonkin Gulf crisis. Those who have been speaking in behalf of the Findley amendment could virtually have lifted their speeches from that debate as to what they said then and are saying now. Yet only two out of 435 specifically voted against it. The virtual unanimous surrender of the legislative body at that time is being asked for again in the Findley amendment, only this one is more dangerous.

Mr. Chairman, Senator Morse said in 1964 something which I think is equally applicable to the President's policy today; Senator Morse stated as follows:

It is a policy that asserts that if we merely use enough force, and make clear by enough threats that it will be pretty bad and hard on them (the Communists), that if they do



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not yield to our threats—if we follow that course, we shall avert the danger of war. Under that policy we greatly increase the risk of a full-scale war in Asia.

So said Senator Morse in 1964 and I think those words are very apt and appropriate today.

Mr. Chairman, I submit that the virtually unlimited power accorded the President by the Tonkin Gulf resolution to wage war in Southeast Asia in the name of protection of our men and interests, has been systematically abused.

Mr. Chairman, I submit that the virtually unlimited power afforded the President by the Tonkin Gulf resolution would be reconfirmed if the Findley amendment is adopted. We would by that action support a proneness to repeat the most tragic errors and mistakes in our history.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. Yes; I yield briefly to the gentleman from Illinois.

Mr. FINDLEY. Is the gentleman seriously suggesting that the Congress should attempt to limit the authority, right, and duty of the President as Commander in Chief to take military action to protect U.S. lives in the field?

Mr. MIKVA. No; I am suggesting that the Congress exercise its constitutional power and on which I presumed your amendment was based.

Mr. FINDLEY. It is, indeed.

Mr. MIKVA. If it is not based on that constitutional power, then I do not know why we are wasting time here by arguing about it.

Mr. FINDLEY. It would provide a proper role for the Congress to review and pass upon the President's action should he see fit to take such action.

Mr. MIKVA. It would not have that effect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TIERNAN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. TIERNAN asked and was given permission to revise and extend his remarks.)

Mr. TIERNAN. Mr. Chairman, I rise in support of the amendment offered by my colleague from California. As you know, I have been joined by 17 cosponsors on a resolution stating "the sense of the Congress that the President consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia."

Mr. Speaker, due to our own neglect, Congress has been reduced to virtual impotence in the making of foreign policy. With crisis following upon crisis in the last few decades, we have tended to think only of the crisis that was upon us and of the assumed need for speedy action.

It is time for us now to think of a constitutional crisis which may soon be upon us. The language of the Constitution is clear; the war power is vested almost entirely in the Congress, with the only important exception being the necessary authority of the President to repel a sudden attack on this country. In addition, the intent of the framers of the Constitution is clear. In a letter to James Madison in 1789, Thomas Jefferson wrote:

We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

The practice of impoundment of congressional authority was also condemned by one Senator during World War II:

Then how does the Congress express itself or announce a Congressional policy? After all, we represent the people.

Certainly even the wisest and most competent of Presidents is still a human being, susceptible to human flaws and human failures of judgment. Prof. Ruhl Bartlett has stated that "there are no experts in wisdom concerning human affairs or in determining the national interest." The greatest insight of our Founding Fathers was their recognition of the dangers of unlimited power exercised by a single man or institution.

The amendment which my colleague from California has introduced is a step in the direction of Congress reclaiming their constitutional rights. The President's Cambodian decision was, I believe, reached with undue haste. The escalation of our efforts is moving at a near panicky pace.

The movement of American ground forces into Cambodia is a tragic repetition of the mistakes of the past. The history of previous escalation in this area has been that it stiffens the Communist will to resist, pushes up the death toll, and brings no serious move toward the peace table.

This country has spent more than \$120 billion in Southeast Asia. We have lost the lives of 50,000 Americans. We have dropped more bombs than were dropped during all of World War II and Korea combined.

Now we are told that the war is being expanded further, having been told just a week ago that peace was in sight.

I cannot accept this and I urge my colleagues to join me in supporting the Leggett amendment.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot arrive at a time limitation on the Reid of New York amendment and all amendments thereto?

Mr. Chairman, I ask unanimous consent that all debate on the Reid of New York amendment and all amendments thereto close at 4:50 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on the Reid of New York amendment and all amendments thereto close at 5 o'clock.

The question was taken.

Mr. RIVERS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. RIVERS and Mr. BURTON of California.

The Committee divided, and the tellers reported that there were—ayes 147, noes 82.

So the motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing and seeking recognition under the limitation of time.

The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Chairman, I was impressed by the suggested amendment of the gentleman from New Jersey (Mr. FRELINGHUYSEN), but I believe that the Reid amendment, as written, accomplishes the purpose which he suggests to be desirable.

The gentleman from New Jersey correctly states that the relation between the Presidency and the Congress respecting war and the control of the military forces is a delicate one and any resolution relating to it should be drawn with precision.

But I think the amendment as introduced by the gentleman from New York, (Mr. REID) uses appropriate language to obtain the desired purpose. Substantially the same language would result from the Leggett amendment to the Findley substitute, because it really only adds the proviso that "prior consent of the Congress" would be the sole exception under which it would be permissive "to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia."

Let me point out to you that both the Leggett amendment and the Reid amendment are qualified by the phrase, "in line with the expressed intention of the President of the United States," and this it seems to me, places the question in the context of contemporary facts.

Of course, as Alexander Hamilton wrote in the Federalist Paper No. 69, the President has "the supreme command and direction of the military and naval forces." This authority, to direct in general military operations, would encompass all determinations for the safety of the forces ancillary to the accomplishment of a legitimate purpose. For instance, hot pursuit across a national boundary could be encompassed in this authority, and even the flushing out of certain enemy strongholds in the general vicinity of a border necessary or expeditious in pursuing a legitimate military goal would, it seems to me, be encompassed within the President's authority as Commander in Chief.

Even with the stated restriction against the "introduction of American ground combat troops into Laos, Thailand, or Cambodia," I think the qualifying language, that such limitation is intended to be "in line with the expressed intention of the President of the United States," gives a certain leeway, so that the President may act within his scope of authority as supreme commander and director of the military and naval forces.

It does not, though, extend to him the authority that Alexander Hamilton described as that of the British King, an authority which "extends to the declaring of war and to the raising and regulating of fleets and armies—all which,

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by the Constitution—appertain to the legislature."

Thus, if we should pass the Reid amendment, or if we should pass the Leggett amendment to the Findley substitute, certain necessary defensive action on the borders of South Vietnam over a temporary period would, I think, be permissible. This is entirely aside from the point of whether or not the activities now engaged in are improvident, as I think they are.

But the grave danger that many of us feel to be present in the Cambodian adventure is the danger that this Nation will become embroiled in continued conflict in Cambodia. The lack of candor which has characterized the whole series of events associated with the Cambodian invasion makes the nature of that intrusion ambiguous. We cannot be quite certain as to the extent or purpose of the intrusion.

It may be, as the administration claims merely for the purpose of interdicting certain supply lines by means of a limited military action, or it may have far broader implications involving direct American intervention in the tenuous military and political situation in Cambodia.

If it is only the former, the Reid or Leggett amendments would not really come into play. Indeed, the operative date of such legislation would occur long after the events.

On the other hand, if the intrusion is for a much broader purpose, then it is quite clear that it would be, or would become, in direct violation of a limitation which prohibits the funds authorized to be used to finance the introduction of American ground combat troops into Cambodia, for at that point the activity in Cambodia would be in the nature of declaring of war or regulating of armies. The matter would become one which Congress alone should authorize, a matter of international policy relating to war and the regulating of armies, rather than a question of command and direction of military forces in an existing war situation.

The Findley amendment has quite the opposite effect. If it only permitted the command and direction of the military forces in an existing war, without instituting policy changes, it would add nothing and be quite unnecessary.

But the Findley amendment does much more. It would give constitutional sanction to the President to engage in a new war in Cambodia or establish new broad national policy regarding regulating armies in that nation. It is a Gulf of Tonkin-type resolution for Cambodia.

Whereas without the resolution the President can at most only command forces in activities ancillary to an existing war in South Vietnam, with the resolution he can introduce American ground combat troops into Laos, Thailand, or Cambodia without further prior consent of Congress when he determines that the same has the effect of protecting the lives of American troops remaining within South Vietnam provided he reports promptly to Congress.

The condition that the new involvement must be found by him to have

the effect of protecting the lives of American troops is really little restriction at all. Suppose, for instance, the People's Republic of China were involved in such a resolution. It could quite readily be argued that paratroops could be dropped in China to attack munitions plants in order to "protect the lives of American troops remaining within South Vietnam." Yet such action would obviously be an act of war vastly enlarging the present area of combat and would necessitate prior approval by Congress.

Mr. Chairman, the Findley amendment does not limit Presidential power; it extends it. It gives full discretion to the President to determine what action has the effect of protecting lives of American troops in South Vietnam. Any action in any area in the Southeast Asian theater which seems to further our military objective can be justified on this ground.

In this respect, the Findley amendment is extremely imprecise, and Mr. Frelinghuysen's criticism is well taken. It should be rejected or, if not rejected, amended. If it should be substituted for the Reid amendment, it should be defeated because it is worse than no restriction at all. The President is presently restricted within constitutional bounds unless Congress gives him a blank check as in the Gulf of Tonkin resolution.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, I come before you today in support of both the Reid and the Leggett amendments. Somewhat ironically, we find ourselves almost on the eve of 25 years that have elapsed since the end of World War II. Most of the argument I heard this afternoon would support the President's course taken in the last war and would have been relevant 25 years ago, but it has little relevance to the events that have occurred in this country over the last few years.

We, the Members of Congress and our body as a whole, we are on test. It is our relevance which we debate here today. Will we squander this opportunity? Will we sit back with indifference? Will we allow a direction to be taken which is reminiscent of the congressional history of the past decade? Will we sit by impotent in the face of unilateral action by President Nixon in broadening the conflict in Southeast Asia?

The attention of this body and of the Nation has at last been focused on the abdication of congressional responsibility. I add my voice to those who are disturbed by Congress' inability in a meaningful way to deal effectively with contemporary events, with war in distant lands, with commitment of national resources in such a way as to polarize discordant segments of our people. I ask Congress to reassert once again the prerogatives given to it under the Constitution.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GILBERT).

(Mr. GILBERT asked and was given permission to revise and extend his remarks.)

Mr. GILBERT. Mr. Chairman, I support the Reid amendment to the military procurement authorization, prohibiting the introduction of U.S. ground combat forces in Laos, Thailand or Cambodia. And I rise in support of the Leggett amendment to the Findley substitute. The Leggett amendment requires the President to obtain the consent of Congress under any circumstances before committing U.S. ground combat forces in Laos, Thailand, and Cambodia. I think it important that Congress reassert its constitutional responsibility regarding involvement of the United States in foreign wars.

Mr. Chairman, the lingering war in Vietnam and the more recent resumption of the bombing of North Vietnam, all point out just how desperate our situation is in Southeast Asia. We cannot negotiate our way out, it seems; we cannot win a military victory; we cannot trust the Government of South Vietnam to protect itself; the new Cambodian Government cannot stand alone. We are simply trapped in quicksand in Indochina. And the more we struggle, the deeper in we go.

There would be no value in repeating here again all the reasons we should—and must—leave Indochina. All of us here in this Chamber understand where we are and why we are in such an indefensible position. But, I would urge all of my colleagues to consider this Nation's future as well as the recent and present developments, here in the United States as well as abroad, before voting today on the Military Authorization Act.

Mr. Chairman, I voted against the motion to limit debate. I believe we should thoroughly and carefully debate this important issue.

If this Congress is truly representative of the American people, I would say we have no other choice but to make our intentions in Congress crystal clear to the administration.

We learned in previous years the folly Congress commits when it submits blindly to the demands of an administration which follows the dictates of the military.

Unless we stop this new escalation of fighting in Indochina immediately, we face the very real possibility of being part of a government which has lost complete touch with the people it is supposed to lead.

Mr. Chairman, our first duty is to save our Nation. To do that, I believe that we must stop not only this new escalation, but the fighting in Vietnam as well. We must bring our troops home as quickly as possible and we must devote ourselves to resolving the many domestic issues that plague our Nation today. This Nation has endured many crises, but never before has an American administration become so out of touch with the people it represents.

I urge the Congress to do everything in its power to end this new madness as soon as possible.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

(Mr. ST GERMAIN asked and was

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given permission to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Chairman, I, too, rise in support of the Leggett and the Reid amendments. Everybody wants to protect our boys and everybody wants to save lives. I think there is a serious question of judgment as to how this should be done. If we follow the reasoning that was pointed out to us on Thursday evening last, then the next step would be to say, "Why not bomb the living daylights out of Hanoi and Haiphong? Why not hit the arms and munition factories in Russia and in China?" Because, certainly those actions would help save our boys. The alternative is not to expose them further, not to extend the war into another country, but to bring them home as soon as possible. That is the only one, true effective way we can save our boys.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I oppose the procedure of trying to write foreign policy by writing amendments to an authorization bill.

(Mr. DENNIS asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN. Mr. Chairman, I rise in support of the Leggett amendment and in opposition to the Findley amendment, and I also support the Bingham and Reid amendments.

Adoption of the Findley substitute would be nothing less than Congress writing its own signature to its own impotence and irrelevance in foreign affairs.

The Findley substitute constitutes congressional approval of the unilateral action undertaken by the President, violating the territorial integrity of a neutral nation and escalating the war in Vietnam into a conflict which may encompass all of Indochina. Moreover, it is not approval following careful prior consultation by the Executive with the Congress, but rather it represents the most abject acquiescence to the dictate of the Executive.

Therefore, the Findley amendment raises two of the most significant issues this House can be confronted with—the responsibility of the Congress and the escalation of the war in Southeast Asia. It does so by authorizing the use of funds for American troops in Laos, Thailand, and Cambodia without the prior consent of Congress whenever the President determines it is necessary.

In the past the House has appropriated whatever funds Presidents have requested for the Vietnam war over the insistent and vocal opposition of a few of us. Five years ago I voted against the first supplemental appropriation for military operations in Vietnam, and I have consistently opposed all appropriation requests for this tragic war. I have repeatedly pointed out that Congress should exercise its

power of the purse and cease financing this war. However, Congress has acquiesced in the war. Congress may not have officially declared war, but it has certainly financed it.

But the escalation of the war by entering into Cambodia is a new act, unauthorized and as yet unsanctioned by the Congress. This is a new step, distinct, and apart from the conflict which until now has been confined to the ambit of North and South Vietnam. The Congress should finally assert the constitutional powers which it has abdicated in the past.

Approval of the Findley substitute would constitute ratification of a fait accompli, setting a perilous precedent by assuring the President that he may unilaterally embark upon the invasion of neutral nations, not in emergency situations where there simply is no time to consult Congress or obtain congressional concurrence, but whenever he deems it desirable to do so.

Apart from the matter of precedents and of congressional default, there is the stark fact that the escalation into Cambodia is a clear repudiation of a political solution for the war, and a clear endorsement of a military solution. If the past years have provided no other lesson—and certainly they should have taught us much more than just one truth—it is that a military solution to this war is a bankrupt policy. And yet, despite the campaign promises, despite the assurances that we are on the road to peace, we see the exercise of a logic which expands the war even more.

We have heard the old refrain too many times to believe it—"just one more escalation, and we'll have a military victory." Cambodia is now the "one more escalation." It has as little likelihood of producing a military victory as any past illusions. But, whether it is successful or not is not the real point here. The point is that the President has clearly revealed that this is a war of generals, not of diplomats. More American lives are to be sacrificed; more Asian people are to be killed; more villages are to be destroyed; and more fields scorched.

The Findley substitute is complete endorsement of the justification offered by the President last Thursday evening, April 30, for the invasion of Cambodia: The protection of Americans remaining in Vietnam and the success of the Vietnamization program. Yet, this justification is really just subterfuge for an escalation of the war.

If Vietnamization cannot succeed in the face of the North Vietnamese threat, then it is indeed a barren policy, because it is clear that the North Vietnamese are not going to disappear, while the South Vietnamese take over the war. The consequence is that American troops will never be completely withdrawn from Southeast Asia, unless there is a change in policy.

All of us want to protect American lives, but it is tortuous reasoning to argue that the way to achieve this is by expansion of the war. Disengagement and withdrawal of American troops are the most effective means to save American lives. Serious negotiations at Paris and a

willingness to recognize the political realities in South Vietnam are necessary steps toward peace. From the beginning, diplomatic negotiations and the neutralization of Southeast Asia should have been the objectives of our policy. But that course has been rejected.

The Findley substitute plainly endorses without qualification the military course the President has embarked upon. Let there be no question that it will be construed in any other way. The language of the Findley substitute allows for no interpretation except full endorsement of the President's action. It was fashioned on the floor of the House last Thursday before the President's speech as advance approval of his rationale. If there is any question about it being a blanket endorsement, President Nixon, we have been told this afternoon by the gentleman from Louisiana (Mr. HEBERT) said he favored the Findley amendment because it was in line with his policy. According to Mr. FINDLEY, the President told him his amendment was "splendid."

We need only recall passage by this House of H.R. 613 last fall. H.R. 613, which spoke of President Nixon's efforts to negotiate a "just peace" in Vietnam, was interpreted by the President as "supporting his plan for peace." The Findley substitute will likewise be embraced by the President and paraded by him as Congress' imprimatur of the action he has undertaken.

If Congress is to assert its proper constitutional role in foreign policy, the Leggett amendment should be adopted. On the other hand, the Findley substitute would be another act of congressional abdication. For me the choice is clear.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of the Findley amendment.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Chairman, I rise in support of the Findley amendment and urge its adoption.

I said here on the floor of the House last week that I was disappointed when President Nixon committed American aid to Cambodia without, apparently, consulting with our other allies in the SEATO treaty or in the United Nations, or with Congress itself.

I said then that I would have preferred if the President had avoided unilateral commitment of American troops and if, indeed, the aid to Cambodia was necessary, it ought to be a collective effort of all the powers involved. Cambodia has been a member of the United Nations since 1955, and, surely, some effort should have been made to present the case to the Security Council.

Cambodia is also a member of SEATO, and surely, we should have obtained commitments from our allies in this treaty before moving in the troops.

But as disappointed as I am with this unilateral action, the fact remains that the President has committed American troops; the die has been cast. Even though this action may or may not be



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successful, the fact remains that we cannot abandon the Commander in Chief when he has made such a decision.

I said on the floor yesterday that to question the constitutionality of the President's authority to commit troops is naive. American Presidents have been committing American troops to foreign lands since the Spanish-American War.

President Truman sent troops into Korea; President Eisenhower sent them to Lebanon; Jack Kennedy almost triggered off a nuclear holocaust in his eye-to-eye missile confrontation over Cuba; President Johnson sent troops into the Dominican Republic and into Elizabethville. In each instance, the action was taken by the Chief Executive without prior consultation with the Congress. That is why I believe that the Findley amendment does, indeed, put into proper perspective the intent of Congress, and serves notice to the President that any future involvement in Cambodia, or Laos, or Thailand, must first be approved by the Congress.

So far as I know, this is the first time that the Congress is being asked to take this sort of action, and this is the first time that Congress is officially serving notice to the President that it intends to be consulted, and it must approve any commitment of American troops in those two theaters.

Previous actions have been taken by Presidents without consultation of Congress because Congress has never spoken out in such precise terms as in the Findley amendment.

It occurs to me that by adopting the Findley amendment we are now serving notice on the President that we definitely must be consulted and given an opportunity to vote on any recommendation that we may have to involve troops in these three theaters.

The Findley amendment quite properly gives the President authority to move swiftly when the immediate safety of our soldiers is involved and to promptly inform Congress of his action.

Actually, the heart of the debate today between the Findley amendment and the Leggett substitute is that the Leggett substitute does not give the President power to act on his own initiative when the safety of our soldiers is directly involved.

I appreciate the efforts by our colleague, Mr. LEGGETT, to vest in the Congress the final authority for committing troops.

Surely, this is as it should be, but I am troubled by the possibility, if we want to accept the Leggett amendment, that we might be seriously endangering our troops before the President could get approval from Congress for necessary action.

This is a most difficult problem, and one that I am not sure that we can resolve in the heat of the floor debate. I believe that the Findley amendment offers the Members of Congress the greatest hope of a voice in these affairs without endangering the lives of our soldiers in combat.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I rise in support of the Findley amendment. I think there is an understanding that in this Chamber and throughout the country there is reason and opportunity for Members as well as the country to disagree upon the conduct of the war and where we should be today. There should not be any disagreement about saving the lives and the means by which this Government may go about saving the lives of our combat troops in Southeast Asia. I am concerned this afternoon when I hear the arguments used against the war or the fact we are now eliminating the sanctuaries, the Communists have been using for years to kill our young men. Almost all of the reasons given have been not antiwar, anti-Vietnam, nor anti-Cambodia—they have been anti-Nixon. Have we not played politics for too long now with such a serious matter?

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

[Mr. LOWENSTEIN addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, when the present President came into office, he found over 500,000 Americans involved in a war in Asia with no plan in progress either to win it or to withdraw from it. Immediately he made clear his plans to the Asian leaders and the American people to avoid such involvement in the future. He instituted in Vietnam a Vietnamization and phased withdrawal policy—which is working. This action in Cambodia was in furtherance of that policy—not to help escalate the war, but to end the war, and not to get us in deeper, but to get us out. I therefore give him my firm and prayerful support.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I did not get a chance to say earlier that I intend to vote against the Findley amendment. It seems to me it is a clear endorsement of the rationale of the President in involving us in another country in Southeast Asia. I regret the action of the President. I think he clearly committed himself to consulting Congress before he put our troops in Cambodia. I hope this House will make clear our desire to have the United States limit the war, then disengage, and bring our troops back.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Ohio.

(Mr. VANIK asked and was given permission to revise and extend his remarks.)

Mr. VANIK. Mr. Chairman, I must take my stand with those who oppose America's trespass into Cambodia.

I am in hearty support of the Leggett-Reid amendment to prohibit the use of

funds authorized to be appropriated to finance the introduction of American ground combat troops in Laos, Thailand, or Cambodia without prior consent of Congress.

The action of the President in bypassing the Congress in moving American troops into Cambodia defies the constitution as it ignores the lessons of history.

If the President has the authority without consent of Congress to commit the ground forces to Cambodia if he decides it necessary to protect the lives of American troops in South Vietnam, he must also have the authority to commit ground troops to combat in Red China or the Soviet Union for the same reason. There are no outward limits of the Presidential authority to extend the war under this interpretation.

American lives can be better protected by preventing their commitment into new areas of conflict.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

(Mr. OTTINGER asked and was given permission to revise and extend his remarks.)

Mr. OTTINGER. Mr. Chairman, we have been told by the gentleman from Louisiana and others we have to abrogate our powers as Member of Congress to support the President as the Commander in Chief in his unauthorized invasion of Cambodia. The Congress of the United States as such does not have a Commander in Chief. We are supposed to be an independent body, a coequal branch of Government.

The Constitution gives to us, the Congress, the power to determine whether to commit this Nation to war. We have an opportunity today to reassert that prerogative. I believe we must take it. If we do not take it I fear for the future of this country, because this decision of the President to unilaterally, without the consent of Congress, go into Cambodia is doing more to polarize and divide this country than any other act in our past history.

The Congress has been blindly supporting Presidents in the conduct of unauthorized wars for far too long. In so doing, we abrogate our constitutional responsibilities. In the case of the Vietnam war, President Johnson at least went to Congress for authorization with the Gulf of Tonkin resolution. President Nixon, a self-proclaimed strict constructionist, did not even seek a pretext of congressional authority for his Cambodian invasion.

The President claims as authority his powers as Commander in Chief. Those powers quite clearly extend only to conduct of declared wars, however—the power to commit the country to war was left indisputably and wisely by our Founding Fathers to Congress.

Once again, we hear the false justifications for these actions we have heard for so long under President Johnson. We will end the war by escalating it. We will preserve Cambodian neutrality by violating it. We will save lives by committing more men to battle. Time and again the result we have seen is more men killed and an ever deeper involvement in a land



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war on the continent of Asia which virtually every military expert has advised against. Even the most conservative of generals, Gen. Douglas MacArthur, claimed that to get involved in such a war would be "the height of folly."

Furthermore, the internal consequences of expanding the war are horrendous. Our already alienated youth, those who are being asked to risk their lives, may well give up altogether on the responsiveness of our democratic system.

The President came to office on two worthy pledges—to end the war and to bring this country together. Can you blame youth for being disillusioned and cynical when they see these pledges violated so blatantly?

Congress is now the court of last resort for our youth. If we fail to redeem the pledges of the President, if we fail to restore the balance of powers contemplated by the Constitution, they will have no place else to turn but to the streets.

I plead with you, therefore, for the sake of the future of this country, to act today to limit our involvement in the war and restore the war control powers of the Congress given in the Constitution.

I urge support of the Leggett, Bingham, and Reid amendments and defeat of the Findley amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Missouri (Mr. SYMINGTON).

(Mr. SYMINGTON asked and was given permission to revise and extend his remarks.)

Mr. SYMINGTON. Mr. Chairman, first, this is not a question of confrontation between the Congress and the President, but between the constitutional responsibility of the Congress and that of the Presidency, the Presidency as an institution.

We know we have but one President. For that reason we must reassure ourselves he has not in some way been isolated from the straight facts, or the most authoritative interpretation of them.

If the Secretary of Defense does not know what we are doing and the Secretary of State does not approve of it, we lack that reassurance. The Secretary of State may console himself with the knowledge he has no constitution right to be consulted on foreign policy. But we have not only a right, but a responsibility to participate in decisions to go to war.

Second, the argument made that this Cambodian adventure is to save American lives raises three immediate questions.

One. How does it?

Two. Is this fresh surprise itself is justified in the name of such a worthy cause?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. There is nothing to object to. The gentleman from Wisconsin has been recognized, and the gentleman

man is yielding to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, if this fresh surprise is justified in the name of that worthy cause, what further unannounced steps would not be justified for the same purpose? Today Cambodia, tomorrow the world.

Third. Are not the U.S. lives in jeopardy placed there by policies essentially in question themselves? These policies undoubtedly rest on an interpretation of the requirements of our own national security, but that security itself is based on the credibility and the utility of all our worldwide commitments.

Many nations, relying on our support for survival, far from viewing—

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Chair recognizes the gentleman from Iowa (Mr. GROSS).

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I am opposed to these amendments as being a wholly unnecessary restriction upon the President of the United States who, after all, is responsible for the conduct of the war.

While I differ with President Nixon on the conduct of the war in Vietnam in that I believe we should have long ago eliminated the sanctuary of North Vietnam or gotten out of Vietnam altogether, I am not at this day and hour going to lend my support to legislation that will tie his hands.

The President has assured the Nation that he intends to bring U.S. participation in the conflict to an end in the next 8 to 9 months and I do not intend to handcuff him as the military has been handcuffed for years in the fighting of this war.

The CHAIRMAN. The Chair recognizes the gentlemen from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I thank the gentleman.

The nations relying on us for survival, far from viewing our immersion in Vietnam as a gage of the strength of our commitments, see it as reducing our capability to meet other such commitments which they deem and believe we should deem more vital to our national interests. They cannot be expected to see this strain on our resources operating to their advantage, any more than the proponents of our domestic priorities find any hope in it.

Finally, what precisely is the "victory" which the President has in mind? Surely there will be no Arc de Triomphe to march through. The "Arc," humble but triumphant which, I foresee for this area is the bent back of a rice worker unafraid of war. To participate in a negotiated compromise which would make such an "Arc," possible is the greatest victory I can conceive.

I say this out of no lack of concern or respect for our troops or their gallantry and sacrifices. That very gallantry that sacrifice merits their return home in the wake of a settlement that incorporates

the splendid victories they have already won.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, what a travesty this is.

I am sure that those in the gallery—have never witnessed such a sad sight in their lives as this teller vote to cut off debate.

Mr. HALL. Point of order, Mr. Chairman.

Mr. RIEGLE. Mr. Chairman, I have not witnessed a sadder sight in my life.

I am glad that my Congressman did not go through that line to prevent Members from speaking and to cut off this urgent debate.

Here we are 8 years into an undeclared war, and we are not even willing to take the time to debate the issue.

Where are the Members who walked through that line? Many are gone now—they have left the floor. They have gone to do any number of things—and I am sure some are doing things far less important than this floor debate. What I resent is having Members come in here and vote to cut off my chance to speak, and then leave. If they are not going to bother to stay here for the debate—they ought to at least have the courtesy to let those of us who wish to speak—have the chance to do so.

That is a sorry tribute to the operation of this Chamber and a sad and discouraging tribute to the 50,000 young Americans that have given their lives in this undeclared war.

I believe it is wrong, and we ought to be ashamed of this effort to duck out on this burning issue.

In light of the fact that debate has been choked off—and in light of the fact that funds in this bill are apt to be used to expand the war in South Vietnam, without specific congressional authorization, I cannot give blanket approval to this bill. We are prevented from having rollcall votes which would enable us to specify the particular areas of the bill we disagree with. Therefore, until the President seeks, and is given formal congressional approval to expand the war in Southeast Asia—I will vote present on all defense bills. I do this reluctantly—but find it the only way to exercise my constitutional responsibility on the question of war.

Mr. HALL. Mr. Chairman, point of order.

I ask that those in the galleries be cautioned.

The CHAIRMAN. The Chair will state that the guests in the galleries are exactly that, guests of the House of Representatives. There shall be no manifestations either for or opposed to debate which takes place on the floor of the House of Representatives.

The Chair recognizes the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Chairman, I join in support of the Leggett amendment to the Reid of New York amendment. I believe this is exactly what the President said he wanted.

The provision would not take effect

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until June 30, 1970. The President said we would withdraw from Cambodia by that date.

The people in my district do not want to escalate the war in Cambodia, Laos, and Thailand. I believe I am doing the best I can to represent their viewpoint, in supporting the Leggett amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BURTON).

Mr. BURTON of California. Mr. Chairman, I opposed the war under President Johnson; I oppose the war under President Nixon. But that is not the issue here.

To those who say the issue is that we owe a loyalty to our Commander in Chief, then I say as Members of the U.S. Congress we owe a higher loyalty to the U.S. Constitution.

The fact of the matter is this: Our most solemn duty under the Constitution is our responsibility to decide whether or not we choose to declare war. We are currently, and we have been for a number of years, engaged in an undeclared war. The passage of the Findley amendment, which I vigorously oppose, would be little more than delegating, as we did in the Tonkin Gulf resolution, our power and authority to make this determination.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HALPERN).

(Mr. HALPERN asked and was given permission to revise and extend his remarks.)

Mr. HALPERN. Mr. Chairman, I rise in support of the Bingham amendment and in support of the Leggett amendment and in support of the Reid amendment. I think these amendments reflect the feeling of a vast majority of the American people.

We in this House are supposed to be closest to the American people. We represent the people of this great Nation.

Well, the people do not want this war. There is an ever-changing, ever-growing attitude turning against our involvement in Southeast Asia. The so-called silent majority is not keeping silent much longer and we will be hearing more and more from them.

We speak for the American people. And it is high time we exercise our prerogatives and speak out loud and clear that we want this madness ended—not expanded.

For the sake of humanity, let us speak out by our votes here today in favor of the Bingham and the Leggett amendments, followed by the passage of the Reid amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, I think I understand the frustrations and logic by which the President and the military made the decision to invade Cambodia, a neutral nation. I believe that decision was grievously wrong, and that the country is now paying and will continue to pay a heavy price for this mistake.

What was even more wrong than what was done was the way in which it was done. Much of the bitterness and the divisiveness which tore this country apart in the last 2 years of the Presidency of Lyndon Johnson was a result of the somewhat stealthy way in which a very small American operation of 16,000 advisers was turned into a huge expeditionary force bogged down in the longest war in our history. The Congress should have been taken into the President's confidence then, and Congress should have been taken into the President's confidence then, and Congress should have made this decision either to extend or not to extend the war into another country.

But the deed has been done. The invasion of Cambodia is a fact, and I deeply regret it. However, never again will our Armed Forces cross an international border without action by the Congress—if I have anything to say about it. If in the future an action of this kind is justified, the President ought to come to the Congress and get a majority vote in both Houses to authorize it. If he cannot get a majority to vote for it, then our country has no business undertaking this kind of action.

The plain words of the Findley amendment, considered in a vacuum, are good, and I could support them. The fact is that I intended to support the amendment when I first heard it offered, because it is a move backward to constitutional procedures. It is, by its plain terms, a restriction on the power of the President to expand or enlarge this war. However, I am going to vote against it because I find it has now been embraced by the President, and all of those who support this invasion.

It is clear to me from the debate and the press reports that the President intends to interpret approval of this provision and any votes for it as approval of the policy he has undertaken in these last few tragic days. For this reason alone, and despite the regard I have for the author of this amendment, I shall vote against it. I shall vote for the Leggett, Bingham, and Reid amendments and urge my colleagues to do likewise. I have regretted many, many times my vote for the Gulf of Tonkin resolution, and I shall knowingly make no similar mistake ever again.

Mr. Chairman, I was seduced in the Gulf of Tonkin, but I shall not be "fish hooked" or "parrot-beaked" into giving this or any other President another blank check.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I do not criticize the President at this juncture for his decision to go into Cambodia, but it is important that we declare we do not want to see a further escalation of the war after June 30, when this resolution will apply. I think it is essential that Congress take leadership at this point and perhaps restore the faith of our people in this Nation; that under our responsibility, which is essentially not to fund an army for a period to ex-

ceed 2 years, that we indicate in the only way we can, a cutoff of the expenditure of money for this war within the reasonably foreseeable future. This declaration today will be the first step to indicate that Congress will not continue to fund this war indefinitely.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, today you see the Congress in full retreat. Last December we marched up the Hill and enacted this law in line with the expressed intentions of the President of the United States, and he signed it:

None of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

The Findley amendment, Mr. Chairman, is going to repeal this. I do not care what you call it, but it is a retreat of the Congress. Either in December we did not know what we were doing or today we do not know what we are doing. If you vote for the Findley amendment, this will be an admission of that.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

(Mr. HUNGATE asked and was given permission to revise and extend his remarks.)

Mr. HUNGATE. Mr. Chairman, I feel about our situation in Cambodia much as W. C. Field's epitaph on his tombstone which reads:

On the whole I would rather be in Philadelphia.

But perhaps we cannot help being in Cambodia any more than W. C. Fields can help being where he is today.

Mr. Chairman, I did not vote for the Gulf of Tonkin resolution. I was not here and did not support it. I was among the 59 who voted against the Wright resolution. I do not believe in blank checks.

The President and his Pentagon advisors say that by July 1 this year we can bring some sort of order out of this chaos and they can bring our boys home faster. I am for that. If they find they cannot do this, they should recognize that fact by July 1 and return all our troops by November 1, 1970, under either contingency we should be able to return our troops by November 1, 1970.

If the Pentagon advisors are mistaken about the prompt success they now promise, then let us return all our troops by November 1 and clean out the Pentagon high command. If we must endorse old mistakes, let us at least have new faces. I urge approval of the Leggett amendment—which would have no effect until after the July 1, 1970 deadline the President set for himself.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. OLSEN).

(Mr. OLSEN asked and was given permission to revise and extend his remarks.)

Mr. OLSEN. Mr. Chairman, I rise in support of the Leggett-Reid amendments. I think that the whole Cambodian venture was a terrible mistake and represents an extension of many mistakes.

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Mr. Chairman, the President has taken what can only be termed a tremendous gamble by spreading the military action in Southeast Asia to Cambodia. I fully understand the rationale he is using to justify sending American forces across the Vietnam-Cambodian border. There is no question that should this course of action be successful it will facilitate the withdrawal of the American troops during the next year. Many commodities and arms upon which the Vietcong are so dependent may be captured or destroyed thus causing a terrific setback to those forces.

However, on the other hand, we must also consider the risks involved by such precipitate action. There might be further outbreaks in such places as Laos, Thailand or Korea. Will it be this administration's policy to involve the United States in those areas without first consulting Congress?

I am greatly opposed to any expansion or escalation of the hostilities in Indochina. President Nixon had given the impression that he felt that same opposition. Two days before he announced to the world that American forces were crossing the border Secretary of State Rogers came before a subcommittee of the Appropriations Committee and said that to escalate the war, to cross over into Cambodia would defeat the purpose of the Nixon pacification program. Either Mr. Nixon was misleading the Congress or he failed to keep his own Secretary of State informed.

The President also made a serious mistake in not informing the people of this country that the troops would be leaving Cambodia by July 1. The nebulous term of 6 to 8 weeks was met with much skepticism among those of us who oppose the continued presence of American forces in Vietnam. As a result there was a great outpouring of public dissent, especially on the college campus. The dreadful tragedy that occurred at Kent State might have been avoided had the specific date for withdrawing from Cambodia been announced last Thursday night.

Mr. Chairman, in weighing all these matters I find myself opposed to the President's action. As I stated earlier it is a tremendous gamble but a gamble where the possible good is overshadowed by the grave dangers it presents. I regret that President Nixon chose to follow this course.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

(Mr. O'NEILL of Massachusetts asked and was given permission to revise and extend his remarks.)

PREFERENTIAL MOTION OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'NEILL of Massachusetts. Mr. Chairman, I offer a preferential motion. The Clerk read as follows:

Mr. O'NEILL of Massachusetts moves that the Committee do not rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. How much time is allocated to the gentleman from Massachusetts and do I have any time during which to discuss the motion?

The CHAIRMAN. Under the preferential motion the gentleman from Massachusetts is recognized for 5 minutes.

Mr. RIVERS. Do I get 5 minutes to speak in opposition to the motion?

The CHAIRMAN. The gentleman from South Carolina will be recognized for 5 minutes to speak in opposition to the motion.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I do this in protest to cutting off the debate. Under this procedure we are allocated only 45 seconds. It takes more time than 45 seconds to say "Hello."

It is true, Mr. Chairman, that many Members have talked here this afternoon and, perhaps, we have repeated everything over and over and over again. But I think the people I represent at home are entitled to have my views expressed here, and to have my voice heard in this Congress. I think it is the wrong thing to do. I think we should stay here until 11 or 12 o'clock, if necessary, in order to fully debate this issue.

I have been in Congress 18 years. I have had student group after student group after student group visiting in my office today. They are all frustrated and are in a state of despair. They are, perhaps, no more frustrated than I, and I must admit that I have the same feeling of despair.

Mr. Chairman, this is the most serious problem with which I have been faced in my 18 years in office. It is not the issue of Cambodia, that is in itself so serious, but what it represents—government by Executive order and alienation of government from the people. I represent an area in which there are 200,000 students; 19 colleges, 13 junior colleges, and four other schools of higher learning.

What is happening is that school after school after school is closing. The students are frustrated. Why? They were born in an era, born in the time of the Korean war right after their fathers had gotten back from World War II; they have lived in a period of cold war and through 8 years of this war in Vietnam. Of course they are frustrated. They say, "Congressman, can't you do anything?" They have tried the acceptable channels, yet not only does the policy not change, it gets worse. They see a majority of the country wanting an end to the war, yet the war goes on. They wonder, and rightfully so, "who decides?" It does not appear to be the people and it does not appear to be the Congress.

Mr. Chairman, I have spoken out against this war since 1967. If I feel frustrated, imagine how the poor students must feel, for their arena is even larger.

I say to you, "What good does it do if we are the most powerful and the strongest nation in the world if we are being torn apart from within?" I say to our senior Members of this House of Representatives, "Look at the situation as it exists, not as you would like it to be, and

not as it used to be, but as it is now." No nation in the world can destroy us, but it is possible that we can destroy ourselves from within. This will not be done by subversives, but by growing disaffection and alienation, and by the erosion of constitutional rights and guarantees.

Mr. Chairman, what we should do is bring the boys home from Cambodia immediately and bring the boys home from Vietnam immediately.

If we were to win this war in 30 days, believe me the people in Vietnam would be fighting again. They have been fighting for 5,000 years, 4,500 years before this country was born or ever discovered. We cannot win for them something they do not want and would not accept.

The students of America are frustrated. I have my own children. My daughter, will lose this year of school—she will not get her degree until a year from now because she believes so strongly in the importance of demonstrating national concern on this issue. I am proud of her principles and convictions that led her to this decision.

I have five children between the ages of 18 and 26, and they all believe—as the students of America and as I believe that we are obliged to do all we can to change the perilous course of this Nation. Truly, my children awakened me 3 years ago to the realization of how great this concern is, how deep the love of country and the desire to protect it. I know that those Members who are in the same age bracket and who have children as I do, appreciate the problem.

But I say to you, Mr. Chairman, America is in serious trouble. Believe me, America is in serious trouble. And the solution is that only by change and improvement in our society can we truly protect ourselves. We must provide the various things this Nation needs so badly. I immediately think of the senior citizens to whom we gave an increase earlier in the year, and to whom that increase means almost nothing because they are now getting a 93-cent dollar. I think of the students who cannot afford to continue schooling because of inflation, who will be unable to go back to school next year. The list of priorities—ending poverty, housing, education—I do not know where to begin because there are so many priorities that this Nation needs, but we will never get to even the first priority while we are fighting a war in Vietnam that we cannot morally justify, and cannot justify politically.

I shall extend my remarks and put them in the Record. I intend to support the amendment as offered by the gentleman from California (Mr. LEGGETT).

Mr. Chairman, I will vote and give my wholehearted support to the Leggett amendment. I do so because, as a citizen of this Nation, I am obliged to do that which serves the best interest of the United States within constitutional and moral boundaries. And as a Member of the U.S. Congress I wish to reaffirm the fact that the Congress has not abdicated its responsibility for foreign affairs and the conduct of the military.

The Leggett amendment prohibits the use of funds under the Military Procure-

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ment Act for the introduction of troops into Laos, Cambodia, or Thailand without the prior consent of the Congress.

The act takes effect on June 30. President Nixon has said that he will have all the troops out of Cambodia by that date. Therefore, no one could possibly contend that this amendment would in any way deny to our troops in the field the means for their defense and protection.

I am sure my colleagues know of my long-standing opposition to our policy in Vietnam. I have supported measures to withdraw immediately all our troops from that morass. You also know that I have sponsored resolutions prohibiting the President from committing troops to Cambodia, Laos, and Thailand without the prior consent of Congress. However, I have not voted against authorization measures. I am voting for this amendment today that would prohibit the President from using these funds to enmesh us in another tragic and costly war in Asia.

In the past I have resisted these measures for a simple and practical reason. As we all know, the President has sufficient funds in the pipeline to carry on this war for another 3 years at least. He also has great discretionary power to transfer funds from one source to another. I have felt that these measures did not then mean that the war would truly end.

The President has promised that our troops will be out of Cambodia by June 30. By this action today, I mean to hold him to that, and I want it in the form of law, of statute and not a sense of the Congress.

By this vote I am saying to the President: You did not consult us. You have, on your own authority committed our boys to Cambodia. You have as much time—because you have seized it—as you said you wanted and you needed. You did this without our approval, but you cannot continue. You cannot commit American boys to foreign adventures and death without our consent.

I am saying to the President in my vote: There is no danger to American troops in this amendment. Not one soldier will be deprived of a rifle or a bullet because of this. But those soldiers must be brought back by the 30th of June if not before. If this Nation is to commit suicide, then you shall not bring it about.

If there is justification in the President's case, let him come to Congress and show it. If there is really a need for this action, let him come to the Representatives of the people and we will decide. If we agree then we too are responsible, but we cannot allow decisions of this importance to be made by one man.

We, in this body, more than any other branch of Government, represent the people. If we fail to take responsibility for our actions, and fail to attempt to control the actions of the Government, then we must be held accountable. We cannot abdicate our responsibility. That is what we are doing if we fail to pass this amendment or if we accept the Findley amendment, which is just another repeat of the Gulf of Tonkin resolution.

The President cannot be allowed to assume these powers. They are awesome and overwhelming and we must share in their direction and use. This is a Nation of representative government; we are more than an executive, and that is what this amendment reasserts.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I subscribe to a great number of the remarks that the gentleman has made, particularly when he refers to the time limitation on debate. I know the gentleman who has the responsibility of managing the bill before the House at the present time has the responsibility, as he sees it, to get the bill through, but I see it from another view.

To me it is a serious mistake to limit debate on these amendments that have such great and grave national interest.

Mr. Chairman, I thank the gentleman for yielding.

#### PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GIBBONS. Mr. Chairman, I just want to find out what my rights are in this matter. The gentleman from Massachusetts (Mr. O'NEILL) has submitted a preferential motion, and has received 5 minutes' time to discuss it. Now, do all the opponents and proponents on that motion have 5 minutes?

The CHAIRMAN. The Chair will state that the opponents to the motion are entitled to 5 minutes.

Mr. GIBBONS. They are entitled to 5 minutes each?

The CHAIRMAN. The Chair will state that the opponents are entitled to only one 5 minutes of rebuttal.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I would like to have the preferential motion read over again by the Clerk.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. GERALD R. FORD. I object, Mr. Chairman.

Mr. VANIK. I object, Mr. Chairman.

Mr. OTTINGER. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that the Clerk reread the preferential motion offered by the gentleman from Massachusetts, (Mr. O'NEILL).

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. OTTINGER. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, does anyone seriously think we could stop the war and bring the boys back immediately? Just say that President Nixon

were to come out now and say, "All right, bring the boys home." Take out all the airplanes we have, it would take a great length of time, and it would expose every flank. There would be untold slaughter.

The talk now by Members of the other body, and even by the President, about bringing the boys home, has caused the enemy to go into these sanctuaries that we are now trying to clean out. There has been too much talk about bringing the boys home.

We have been begging to have these sanctuaries cleaned out. Anybody who knows anything at all knows that there have been countless hundreds of Americans killed because of these sanctuaries. Do not get me wrong. I am not for one of these amendments, none of them. I will take the Findley amendment as a last resort, but the President of the United States is doing exactly right, with or without the Findley amendment.

Get it straight. He is now trying to save American boys and he has said time and time and time again that he is not interested in numbers—he is interested in people.

The order he gave after the military brought him component information, the uncontroverted intelligence that these people had these sanctuaries there.

How many hundreds of times has Saigon been raided by rockets? It is only 30 miles away from the Cambodian border. Almost every day—30 miles away—and nobody did a thing about it until Richard Nixon ordered the troops in there to clean them out.

We do not need the Findley amendment. We do not need any amendment. Nixon is saving American boys and you are committed to the same objective. It is as simple as that.

If you try to get out of there seriously and deescalate this war now, in fact, in view of what is being done, it would be the greatest blood bath since Hitler exterminated people in those extermination chambers in Europe.

It is as simple as that; in fact it is doubly simple.

The young people are not serious about pulling out of this war now. I agree that the young people are frustrated. I know one person who is 64 years old who is very frustrated and he is not far from this microphone.

I think a lot of this frustration is because families have not taken enough time with their children to talk about a thing called patriotism—patriotism.

We make things too easy for certain people. I want to get this war over. It should have been won. I am for the Vietnamization program because there is no alternative, but Nixon says he is going to get out of these sanctuaries as soon as they are cleaned out—and they are being cleared out.

Today they have reported over 700,000 rounds of small ammunition and tons and tons of other kinds of materiel—everything that you could conceive of. He knew what he was talking about. He did the right thing.

If you want to report this bill back—go ahead and get it over with. This bill has nothing to do with personnel. This puts the guns in American's hands to try to defend themselves in the cause



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of freedom. Now go ahead and do what you want to do. It is no skin off my back. I am carrying out my responsibility. I am not equivocating either. We should have won this war. We did not want it, but there is not any alternative to Vietnamization and cleaning out these areas—and it is a step further with this Vietnamization.

Anybody with any brains at all knows that you could not have done anything as long as Sihanouk was there. Sihanouk got out and now there are only a few weeks left of fair weather.

We had to do it if we want to get those boys home. That is all there is involved. Now let us vote.

PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEGGETT. Mr. Chairman, considering the fact that a time limitation has now been set in relation to today at 5 o'clock, does the time of the debate on the motion that we have already heard, come out of the time on the amendments?

The CHAIRMAN. The time will come out of the time of those who are participating in debate.

Mr. LEGGETT. Mr. Chairman, a further parliamentary inquiry. If we chose to rise right now and come back tomorrow, then would there be any time limitation on debate?

The CHAIRMAN. There would be no further debate.

The time was set at 5 o'clock.

The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The motion was rejected.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The preferential motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. McCARTHY).

Mr. McCARTHY. Mr. Chairman, the dubious constitutionality of this, the longest war in American history, impelled me yesterday to introduce a resolution. I will vote against—a declaration of war on North Vietnam. I call on the gentleman from South Carolina and the Speaker of the House of Representatives to bring this to the floor, 12 years late, and let us vote it up or down.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

(Mr. REID of New York asked and was given permission to revise and extend his remarks.)

Mr. REID of New York. Mr. Chairman, this is a critical moment for young and old, at home and abroad. Events of recent days pose a constitutional crisis for America and have heightened international tensions throughout the world. This House has in the past been derelict in living up to its responsibilities in the conduct of foreign affairs; the debate today is the first real debate on Vietnam that has taken place in my 8 years in the Congress.

I would say first that the Reid amendment, as amended by the Findley substitute and the Leggett amendment would not take effect until July 1, 1970, the start of the new fiscal year.

The President yesterday gave firm assurances that U.S. troops would be withdrawn from Cambodia in 3 to 7 weeks which is prior to the effective date of this amendment.

The question, therefore, is not on the policy presently in effect but rather on the repetition or extension of that policy without prior consultation with the Congress.

The Findley substitute, while my colleague intends it to be narrowly construed, would provide too broad a grant of power that should properly be reserved to the Congress. Specifically, my colleague's interpretation is open to three arguments:

First, it would require reporting to the Congress only after the fact, not before.

Second, this amendment could permit the use of American troops virtually without geographic limit.

Third, my colleague bases his amendment on the President's constitutional powers as Commander in Chief. I believe this House has a coequal constitutional responsibility under the powers granted to it to declare war, to raise and support armies, and to make rules for the Government and regulation of the land and naval forces.

My amendment is not intended to deprive American fighting men of the protection they require. On the contrary, the President's powers in this regard are clear and will be upheld. My amendment is intended only to preclude the President from taking unilateral action without congressional consultation which could widen a war which has already torn America apart.

Our concern here today must not be merely tactical but must be with the serious diplomatic repercussions which could be felt in Paris, Moscow, Warsaw, and Vienna. Premier Kosygin has said that "these actions by the U.S.A. do not strengthen mutual trust." It is on such mutual trust that the world lays its hope for progress at the SALT talks in Vienna.

The Soviet Premier also commented last week that:

The result of the invasion of Cambodia by American troops may well be the further complication of the general international situation as well.

And in Paris, the Hanoi and Vietcong delegations did not appear at the peace talk session scheduled for today. Further, Hanoi could well exercise other military options in Laos and Cambodia including an attack on Phnom Penh.

Here at home, the tragic consequences of our actions in Cambodia are plain to see. The tragedy at Kent State reflects the widening concern—indeed bitterness—on our campuses that Government is no longer responsive to the views of the people that we must end the war promptly and get on with priorities at home. I have received hundreds of messages and expressions of support from students across the Nation, and this morning a delegation from the University of Maryland presented me with a

petition containing the signatures of 5,000 members of the university community who support the Reid amendment and strongly oppose our involvement in Cambodia.

In 1954, President Eisenhower said that:

There is going to be no involvement of America in war unless it is a result of the constitutional process that is placed upon Congress to declare it. Now let us have that clear.

For 16 years we have not heeded that advice from a President who loved peace. Today, let the Congress exercise its constitutional powers of restraint and of consultation. The day of prior consultation on major changes in foreign policy must not be over.

I urge support of the Leggett amendment and the Reid amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman and members of the committee, I reiterate the remarks of my colleague from Massachusetts (Mr. O'NEILL). I regret that a matter so important as this to the American people should be cut short in debate. Needless to say, it is very difficult to squeeze a 5-minute speech into 30 seconds. Let me say simply that I support the Reid, Leggett, and Bingham amendments and I am opposed to the Findley amendment.

It may be that the decision of the President to commit U.S. troops to Cambodia is in the best interest of this Nation; it may be that this decision will facilitate Vietnamization and hasten American troop withdrawals in the long run. These are not the points at issue, however. What is at issue is unchecked executive discretion to order our military forces into action in foreign lands whenever and wherever the President chooses. What is at issue is the right of the Executive to alter constitutional processes at his option.

The constitutional basis for congressional involvement in any decision to commit American troops to combat in a foreign land is found in article I, section 8 of the Constitution. Therein Congress is given the stated power to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the Government and regulation of the Armed Forces; to provide—for calling forth of the militia and for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for executing the foregoing powers. In contrast, article II, section 2 of the Constitution states that the President shall be Commander in Chief of the Army and Navy. In addition, the President may, with the advice and consent of the Senate, make treaties and appoint ambassadors.

The language of the Constitution makes it clear that the war power is vested almost entirely in the Congress. That this was the intent of the framers is quite clear from reading the proceedings of the Constitutional Convention and the subsequent writings of the Founding Fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

Presumably the Constitution permits the President to repel an attack on the United States or to take other military action in a genuine national emergency. But in recent years Presidents have claimed the right to commit the country to foreign wars under a sweeping interpretation of their power as Commander in Chief. While they have seen fit to get congressional sanction for their actions through resolutions, there is considerable doubt surrounding the question whether such resolutions grant sufficient authority for any military action the President might see fit to take.

Moreover, there is considerable doubt that Congress can circumvent the procedures set up in the Constitution for declaring war by passing simple resolutions. If such resolutions are utilized, I believe they should state as explicitly as possible the nature and purpose of any military action to be taken, and it should make absolutely clear that the resolution is an act of authorization, granting the President specific powers which he would not otherwise possess. This would at least restore some of the constitutional balance in our Government.

There are many issues which we as representatives should discuss. Some of them are:

First. Some limitation must be put on the President's discretion to take any action for the safety and protection of American troops. This is a gimmick that may be used to justify any action.

Second. Some decision must be made as to the limits of the Gulf of Tonkin resolution. Does it extend to the present situation in Cambodia?

Third. Is the strategy which prompted our expanded involvement into Cambodia a good strategy in the long run?

Fourth. Congress should be fully apprised of the details which prompted our expanded involvement and the long run plans of the administration with regard to Southeast Asia. Did the Cambodian Government request our aid? It is ambiguous whether our involvement there was prompted by a desire to aid Cambodia, or to aid our efforts in Vietnam.

Fifth. It must be resolved whether or not the President can, through the treaty-making power, commit troops to fight a war and thereby bypass the constitutional provision for a congressional declaration of war. Only one House of Congress consents to treaties such as the SEATO pact.

It is time that we reassert our constitutional authority and show the President he cannot be chief of police, district attorney, judge and jury in foreign affairs. There should be consultation with the Congress as to whether the Congress and the people they represent will support an extension of military activity in a new theater of war. The American people deserve at least that; our Constitution requires it.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

(Mr. KOCH asked and was given permission to revise and extend his remarks.)

Mr. KOCH. Mr. Chairman, I support the Reid, Leggett, and Bingham amendments and if they are not adopted, I intend to vote against the entire authorization bill on final passage. The President is engaged in an unconstitutional action by having engaged in a war against Cambodia without a declaration of war by Congress. I intend to stand up and be counted in opposition to his illegal action and in support of the Constitution by my vote.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

(Mr. BINGHAM asked and was given permission to revise and extend his remarks.)

Mr. BINGHAM. Mr. Chairman, I appeal again for support of my amendment, which would extend the Reid amendment to North Vietnam as well as to Laos, Cambodia, and Thailand. I think the same prohibition should apply.

If the Leggett amendment to the Findley substitute should prevail, I will then offer my amendment to the Findley substitute as amended by the Leggett amendment, and there will be no debate on that.

I solicit your support to extend the restraints of the Reid amendment on the Leggett amendment to attacks on North Vietnam.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, not being able to speak 300 words a minute, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. O'NEAL).

Mr. O'NEAL of Georgia. Mr. Chairman, I ask unanimous consent that I may yield my time to the gentleman from Florida (Mr. SIKES).

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. HALL. I object.

Mr. O'NEAL of Georgia. Mr. Chairman, I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I oppose the Reid and the Leggett amendments. When all the noise has abated and the demonstrations are ended, it will be found that the quiet, solid, dependable American public support the action of the President in Cambodia. They know that America's fighting men cannot afford to have Cambodia and its ports under the control of Communist forces. They know the lives and safety of American fighting men are at stake. They know we cannot afford to have our forces helpless against Communist build-ups and Communist thrusts directed at will from Cambodia into Vietnam. Here is an opportunity for a true exercise in responsibility by the House.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I oppose the President's action and support the Leggett amendment.

[Mr. YATES further addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. YATES. I yield to the gentleman from New York (Mr. LOWENSTEIN).

[Mr. LOWENSTEIN addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I rise in support of the Reid and Leggett amendments. This is a sad commentary on the democratic process when more than 60 Members of the House of Representatives have somewhat less than 30 seconds to discuss the most important issue facing the American public today, the question of peace and war.

One only needs to observe the deliberations in the Chamber today to understand clearly and unequivocally why Americans, young and old, are losing faith in the American political institutions.

In the life of every man and indeed in the life of this body there comes a moment of truth, a moment when one must face the issues before us forthrightly without any deceptions.

I have been a critic of the war in Vietnam and I certainly disapprove of this administration's misadventure in Cambodia. However, I submit that the real issue before us is not our presence in the Far East but the fact that the Congress has been deprived of its constitutional obligation to pass on the issue of peace or war and the complete lack of candor with which the President manipulated American troops into Cambodia.

Weeks before the Cambodian operation the President, the Secretary of State, and the Secretary of Defense, said it would not happen; certainly not without the approval of Congress.

We believed, and the American public believed, when it was obvious to all concerned that when this administration was saying one thing, it was preparing to do another there was a tremendous uprising of voices from all quarters.

In response to this the administration has promised an 8-week operation and again attack all who question this policy as being unpatriotic.

What then should be our response? I for one do not think it part of my job to help this administration perfect a fraud on the people I represent.

In light of this the Reid-Leggett are only designed to assist the President keep faith with the American public.

These amendments will not impede an 8-week Cambodian operation or even one for more than 1 year; for we are talking about fiscal 1971 funds.

If this administration means what it says about a July 1 withdrawal from Cambodia and if we mean what we say about the need to restore constitutional

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integrity to this body, then all of us ought to support these amendments.

Gentlemen, the moment of truth is here.

(Mr. BRASCO asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

(Mr. RANDALL asked and was given permission to revise and extend his remarks.)

Mr. RANDALL. Mr. Chairman, I think it may help all of us if we make reference to the exact wording of the Findley amendment.

A careful examination will show that while the Reid amendment provides that no part of the funds authorized by this bill are to be used to finance introduction of ground troops into Laos, Thailand, or Cambodia, the Findley substitute modifies the Reid amendment and adds the words "without the prior consent of the Congress" and then proceeds with the proviso in the nature of an exception which negates the Reid amendment and allows funds to be used "to the extent such is required, if determined by the President and if reported promptly to the Congress, to protect the lives of American troops remaining in South Vietnam."

Reflecting upon the meaning of the words of the substitute offered by the gentleman from Illinois it is clear and apparent that it modifies in several particulars the Reid amendment which completely bars the use of any funds for the use of ground troops in the three neighboring countries as follows: First, there must be prior consent of the Congress. This, I presume, would require a resolution or some type of affirmative action by the Congress. Who could ask for a greater safeguard than that? Second, funds authorized by this act can be used in the three countries that are neighbors to South Vietnam only to the extent that they are required which shall be solely at the determination for the President. Third, that the use of any funds in those three countries shall be reported promptly to the Congress. This proviso adds yet another safeguard in that not only is prior consent of the Congress necessary but there must be a prompt report by the President to the Congress of the amount of funds used as well as the extent of our involvement in these three countries and fourth and finally, the most important proviso which is that even after consent and determination of what is required along with prompt reporting, none of the funds may be used except to protect the lives of American troops who remain in South Vietnam.

The most important content of the Findley substitute is the proviso that if any authorized funds are used in Laos, Cambodia, or Thailand their use must be predicated upon the protection of our American troops who are in South Vietnam. There is no other grant of authority. This provision is very restrictive. We have listened this afternoon to a lot of talk about the prerogatives of the Chief Executive as Commander in Chief of the

Armed Forces and how far he can go under the Constitution and what restraints can and should be imposed by Congress. In my view, this is not a bothersome constitutional question because we have ample precedents going back to the days of Thomas Jefferson when the Congress approved after the fact the use of military force to protect our American seamen on the high seas. There are numerous other instances in which the Congress has approved over the years, after the fact, the use of military might by the President without prior consent if the force was used to protect the lives of the members of the Armed Forces. Approval has even been granted after the fact to protect the lives and property of our citizens in foreign lands.

Thus the issue is not entirely a constitutional issue. It is certainly not a partisan issue. In reality the issue is not even whether we support the President in his efforts to deescalate the war and to continue withdrawals. For my part, I shall reserve the right to oppose the President on a variety of domestic issues perhaps even regularly and frequently, but I cannot subscribe to a course which will give the enemy aid and comfort from a country divided over its foreign military policy. Repeating, support of the President is only one of the purposes. The very gist of this amendment is first to prevent our unlimited involvement in the three countries named but without tying the President's hands to act if necessary to protect the lives of our American men "remaining" in Vietnam.

Remember, the Cambodian sanctuaries are 33 miles from our military headquarters and the site of our huge logistical stockpiles surrounding Saigon. I believe the President is sincere when he says that withdrawal of American troops will continue and that Vietnamization of the war is a hope which will materialize. But as the President said at the briefing Tuesday morning at the White House, in the last analysis South Vietnam must be defended by the South Vietnamese. If they fail it will be their failure.

Someone has said every Member can rationalize his own vote on these several amendments which would restrict the use of funds in Cambodia. For my part, I like to believe my stand is not based on a process of rationalization. I don't know exactly whether there are 5,000, 10,000, or 15,000 Missouri boys remaining in South Vietnam but as the troop withdrawals continue I want to be sure when most of the combat troops leave the remaining support element consisting of supply units, the ground installations for the Air Force, and the Navy logistical installations will not be swooped down upon and overrun from the heavy concentration of enemy forces moving from sanctuaries only 30 miles away from the place of embarkation whether by air or by sea.

Finally, as I read the wording of the amendment of the gentleman from Illinois it is entirely and completely consistent with the hope of Vietnamization. It is not only consistent with the policy of regular withdrawal of American troops but it is even a necessary adjunct to that policy in that those American military

forces who remain the longest and which are the last to withdraw will be protected from action by the enemy originating from the nearby sanctuary just over the line in Cambodia. Protection of the lives of American servicemen is not rationalization. It is the most important objective any of us can support.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONER).

(Mr. WAGGONER asked and was given permission to revise and extend his remarks.)

Mr. WAGGONER. Mr. Chairman, I rise in support of the Findley substitute which gives to the President of the United States no authority to do anything unless and until he makes a determination that whatever action he takes is in behalf of saving American lives of the troops remaining in South Vietnam. This he should do and this he says he has done. You may disagree with his action and that is every man's privilege, but can you really find it in your heart to impugn his motive; I cannot.

There is not an individual in this Chamber who knows anything about this matter except what he has read in the newspapers or that the President has said or has allowed him to be told. Nobody in this Chamber has the information the President of the United States has, nor we do not have the responsibility he has. For the sake of this country, I hope he has made the right decision. This I believe was the basis of his decision.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I have no hesitancy in opposing the various amendments that would restrict the President in the conduct of the war, except the Findley amendment. Even this substitute restricts the President except when he finds American lives are involved.

Frankly, I do not believe the country benefits from telling the enemy how far our troops can go. Circumstances change from day to day in ways we cannot anticipate in advance. Therefore, I intend to oppose all the amendments. This seems to be the best way we can show confidence in the efforts of the President to terminate this war.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. COHELAN).

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Chairman, this is an old story. For 12 years I have listened to the alibis for Vietnam. In 1962 and in Vietnam I was told by General Harkins we would be out of there in 2 years. Admiral Felt told me the same thing. What we are now hearing today is a broken record. What is happening is a tragedy.

It seems to me this Congress really has to come to grips with the problem and get us out of Indochina. The Congressman from Massachusetts, "Tip" O'NEILL, most eloquently said it all. Anybody who represents a great university can bear witness to what he has said.



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## CONGRESSIONAL RECORD — HOUSE

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Mr. Chairman, on Wednesday, April 29, it was reported that the Nixon administration had committed approximately 100 U.S. advisers and several divisions of South Vietnamese—ARVN—troops across the South Vietnamese border into Cambodia. Late Thursday evening, it was reported that the Nixon administration had committed 2,000 U.S. ground combat troops to this mission. On Saturday, May 2, it was disclosed that the United States had resumed bombing of North Vietnam. None of these actions had the approval of Congress. According to my best information, the Congress was not even informed of these ill-advised and far-reaching decisions until they were undertaken.

As soon as I was informed of the initial commitment of U.S. advisers in Cambodia, I immediately perceived the folly in this course of action. On Thursday, I introduced a resolution forbidding the President to send ground troops into Cambodia. It was after this action, I learned that the President announced he had already committed U.S. ground troops to this effort.

The President, through his power as Commander in Chief, has taken upon himself the responsibility for engaging in a most dangerous course of action. He did so without consulting or even informing the Congress. He did not even bother to inform those committees charged with the responsibility for foreign policy. As a member of the Foreign Operations Subcommittee of the House Appropriations Committee, I was certainly not informed that such preparations were being considered, much less implemented. As a matter of fact, Secretary Rogers led us to believe it would not happen.

It was just within the last 2 weeks, that I had the opportunity of questioning, in subcommittee, the Secretary of State about our present and future commitment in Southeast Asia. Although much of that dialog has not yet been released, I did conclude that the administration's policy was to liquidate our military commitment. Instead we are now faced with a new escalation of this war.

I was nonplussed by the news of this incredible new venture. Now, since learning of the President's decision to commit more U.S. ground troops to this effort, I cannot hide my revulsion and express my opposition in the strongest terms possible.

On Friday, President Nixon gave his ex post facto rationale for this new escalation. First, the move was justified as an effort to "protect" American soldiers in South Vietnam. The President neglected to mention that the goal of his plan for withdrawal, "Vietnamization," rests on the assumption that the South Vietnamese army—ARVN—is able to assume the role of protector. Now we are told that ARVN is not capable of this responsibility and needs U.S. advisers, air power, and when you get down to the "nitty gritty," U.S. combat troops. This is the same quagmire President Johnson walked into. I do not intend to support President Nixon's revival of this basically unrealistic and unattainable commitment.

There are other factors about this decision that must be kept in a clear perspective. The initial justification for our large scale manpower commitment was the infiltration of North Vietnam regulars into South Vietnam. Our position has been justified by the sanctity of borders principle. Now President Nixon violated the Cambodia border—yes, his actions can constitute nothing less than an intrusion constituting an invasion of Cambodia. This flies in the face of logic. This action cannot be justified by the simple expedient of saying, as the President in essence has said: "The North Vietnamese did, so why can't we." This Nation is now on the brink of precipitating an Indochina war. I will not lend legislative support to this action. As a matter of national conscience this action should not be tolerated by the Legislature.

It is important to analyze the underlying assumptions in the President's unconvincing rationale. Hidden within the President's message is the assumption that this new version of a search and destroy mission will perform the following functions: It will sever supply lines; it will destroy the North Vietnamese command post—COSVN; it will destroy the North Vietnamese forces in Cambodia; and all of these actions will force the North Vietnamese to negotiate. Past experience with search and destroy efforts, and the limited information available at the time, suggest they are in error. First, supply lines can be disrupted by such a foray, but given the terrain and the primitive nature of North Vietnamese supply lines, it is impossible to cut off supplies.

Second, the assumption of "headquarters" in terms of a hardened installation is patently not applicable to this type of guerrilla war. Indeed the difficulty of the U.S. lead assault to uncover these headquarters confirms this analyses. Third, all indications of contact with the enemy suggest that the North Vietnamese had evacuated the area many days before the assault. Thus the conclusion that this action will force Hanoi to negotiate is incredibly naive.

Given the untenable nature of these assumptions, it is all too painfully apparent that the President has acted recklessly—

He has acted without the advice and consent of Congress.

He has acted in a manner that threatens to engage the United States in an Indochina war.

He has acted without the support of the American people.

The dangers of this military adventure can and will culminate in a general Indochina war. This spectre is given increased credence when some of our commanders in the field are reportedly asking for authority to go into eastern Laos.

After analyzing these developments, I am publicly calling for removal of U.S. troops from Cambodia, immediately.

In addition, the unilateral action of the President has reaffirmed the validity of my position on Southeast Asia—we must liquidate our direct military personnel commitment in Southeast Asia. We must end our participation in this war.

These actions by the President have reinforced my objections to the Nixon plan for ending our participation in the war. I feel that our troops—all of our troops—must be withdrawn from Southeast Asia on a fixed and orderly schedule. The Nixon plan—if one can be said to exist—assumes a future commitment of 200,000 "advisors and support personnel," after our ground combat troops are withdrawn in 1971. The action of the last few days shows the inherent danger of keeping a large U.S. personnel commitment in Southeast Asia. There will always be pressure for "one last blow," "the crucial military action," "the surgical thrust." Without our troops, the Government of South Vietnam will be forced to attempt to secure a just peace.

We must remember that this conflict is essentially a civil war. Those that suffer the horrors and privation of this conflict are peasants, women, and children, not to speak of the American families and friends of slain and maimed American soldiers. For what reason? I believe the havoc that we have wrought both in South Vietnam and in our own country is not worth the continuation of this effort.

By the orderly and systematic withdrawal of all our troops, we will force Saigon to seek its own peace. On numerous occasions I have called for Saigon to broaden its base, to provide the leadership necessary for the South Vietnamese army to bear the burden of this conflict, and to take the leadership in negotiations. They must assume their burden in their conflict.

I continue to believe that the United States has a moral responsibility to provide economic assistance to the nations that we have ravaged, but I do not think we have the right or the obligation to dictate to other nations the sort of political or governmental system they should have.

By withdrawing our troops we can turn our energies to help Vietnam rebuild, and more importantly, concentrate our efforts on the problems that are fracturing our society.

President Nixon has repeatedly refused sole blame for the Vietnam conflict—and rightly so. This is a conflict of many years—transgressing politics and political administrations. However, this recent military operation in Cambodia is now Mr. Nixon's responsibility—it is now Mr. Nixon's war and it must be ended. By our actions today we can persuade him to reverse his course and really liquidate the war that has to be among the greatest tragedies in our short national history.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I previously stated I was in favor of the Leggett amendment. I say now weighing in the balance, the polarization, the division of our young people and our college students, our people altogether—against any possible benefits from the invasion of Cambodia. I say our Nation is a loser. The destruction of our unity as a people is taking place. Let us stop it by getting out of Cambodia first and Vietnam second.



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## CONGRESSIONAL RECORD — HOUSE

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The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise in support of the Findley amendment.

Mr. Chairman, as with all Americans who listened to the President last Thursday when he spoke on television, I experienced qualms. Who was not fearful that this action of sending American forces to clean up enemy sanctuaries across the Cambodian border to save our troops in South Vietnam from Vietcong attack?

Since that television talk I have been briefed by the State Department and the military. My qualms have not disappeared. However, I have become convinced that this action will not expand the war. I am convinced this action may not only increase the security of our forces but also may indeed assist in Vietnamizing South Vietnam. It may well shorten the war.

It seems to me the Findley amendment, if adopted, will satisfy many of us who oppose sending troops into Cambodia without approval of Congress; and yet it will not prevent our Commander in Chief from taking steps, such as search and destroy, to protect U.S. lives.

I do not want to tie the hands of the Commander in Chief. I have confidence in President Nixon. He is phasing out the war. He is reducing the number of Americans in Southeast Asia. On Monday I wrote the President and told Mr. Nixon he had made a difficult decision and a courageous one, on information best available to him. I told him of my support.

So, Mr. Chairman, while, as I said, I had qualms, and still have, while there are risks involved, including risks of violence and protest at home, I believe we should stand with our leader, President Nixon, today; and therefore I support the Findley amendment. This will authorize protecting the lives of American troops within South Vietnam, but limit use of combat troops without consent of Congress in Laos, Thailand, or Cambodia.

(Mr. PELLY asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Chairman, I rise in an attempt to clarify some of the ambiguities in the debate on the Findley amendment.

Mr. Chairman, contrary to the view others have expressed today, the term "prior consent of the Congress," qualifying the use of ground troops according to the gentleman from Illinois, is not restricted to a declaration of war, but means formal approval by the Congress.

The proviso in the Findley amendment allowing Presidential action to protect American lives requires prompt reporting by the President to the Congress. This is legislating an implied power of Congress—an exercise of its power of oversight. The review contemplated is a formal, critical review of the judgment

arrived at by the President of what constitutes protection of the lives of American troops.

Like the Leggett amendment, the Findley amendment clearly says no to U.S. ground combat troops in Cambodia after July 1, 1970, without prior congressional consent.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WOLFF).

(Mr. WOLFF asked and was given permission to revise and extend his remarks.)

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. Reim).

When the President went to Guam last year and put forth what became known as the Nixon doctrine regarding American military involvement in Asia, I believed he had profited from the experience of our past errors in Vietnam. I thought he had realized that our national security interests did not lie in prosecuting a major ground war in Indochina. I was mistaken, the President has not learned from history and has failed to properly define our national security interests in Southeast Asia.

For the incredulous invasion of Cambodia is a direct repudiation of the Nixon doctrine. The invasion of Cambodia by American forces has created a wider war which we now speak of as the Indochina war, and is hauntingly familiar to the scenario of past escalation in Vietnam.

What is remarkable is that the President has chosen to follow a path that he himself previously disavowed. In the fall of 1967 he openly opposed the very action he has now ordered. He was elected to office after promising the American people to achieve peace and to bring American men home. As recently as two weeks ago members of the Cabinet assured congressional committees that we would not send American men into Cambodia.

And then, in one grave, tragic error, the President dealt a major blow to the hope for peace that is shared by all Americans. In one step he undid what had been accomplished by limited, but welcome, withdrawals of American forces from Vietnam.

At the same time, the President has opened a "credibility gap" that gives him the undisputed championship in this area and makes any previous "gap" seem small.

The folly of the President's action is written into the designations given to the attacks upon Cambodia: Operation Total Victory Nos. 42 and 43. Whatever happened, Mr. Chairman, to Operation Total Victory No. 41? And is it not the claim of total victory is a contradiction of the President's own declaration that we do not seek military victory in Indochina?

What we have, then, is a grossly misguided policy based upon the following invalid and unacceptable assumptions:

That we seek to win a military victory against a massive guerrilla force, a policy already disavowed by the President.

That the corrupt, self-serving Vietnam

Government is worth supporting at the expense of thousands of American lives.

That Vietnamization is working; obviously, these new strikes would not have been necessary had Vietnamization been a viable policy.

I reject all of these assumptions and the dangerous policy that follows from them. I reject the notion that the American people want more escalation to achieve an elusive peace, when we have found out time and again, with great losses of our men, that this simply does not work. I reject the premise that wider war equals peace in Indochina.

What, then, we must ask ourselves, can the Congress do to end this madness?

By all rights, we should direct the President to immediately end our military involvement in Cambodia and to bring all American forces home from Indochina. Such a course is, unfortunately, not available to us in this bill.

But we can deny the funds for the extension of the war. This is the purpose of the amendment offered by the gentleman from New York (Mr. Reim) and I am proud to stand and vote in support of this concept.

The Congress has the unquestioned authority and the clear responsibility to exercise our constitutional prerogative to deny the funds for an expansion of this war. At a time when we are confronted with great divisions among our fellow Americans, and at a time when vital domestic needs requiring a foremost priority are ignored, we must act to cut off the funds to wage more and bigger war in Indochina.

There is something else we can do at the earliest possible moment. We can, as I first proposed in March of 1968, repeal the Tonkin Gulf resolution. In that way Congress can reclaim our rightful role in the decisionmaking process. The Tonkin resolution gave away our constitutional prerogative regarding questions of war and peace in Southeast Asia and the time is long past due for us to reassert our proper role. The "imbalance of power" between the executive and legislative branches is, in large measure, a dereliction on the part of the Congress. By repealing the Tonkin Gulf resolution we can begin to put our House back in order.

Finally, I would like to quote, for the edification of our colleagues, the following news item I have just taken from the news ticker in the cloakroom:

VATICAN CITY.—Pope Paul VI today deplored the extension of the Southeast Asia conflict into Cambodia, saying this multiplied the number of victims and the suffering of people.

Pope Paul referred to Southeast Asia in an extemporaneous talk to a group of South Vietnamese attending the weekly public audience in St. Peter's Basilica.

"On seeing you here," the pontiff said, "how can one avoid thinking of the conflict which your beloved country has been suffering—a conflict whose extension which has taken place in the last few days threatens once again to multiply the burden of sufferings which it causes and at the same time multiply the number of victims."

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Scheuer).

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(Mr. SCHEUER asked and was given permission to revise and extend his remarks.)

Mr. SCHEUER. Mr. Chairman, I rise in support of the Reid of New York amendment, the Leggett amendment, and the important Bingham amendment that would extend the Reid-Leggett prohibition to attack by air or by land in North Vietnam.

I find it very anomalous that this House could spend hours only a few weeks ago discussing legislation prohibiting the poisoning of young minds by unsolicited pornographic mail delivered into the home—legislation that may be unconstitutional and surely is redundant of existing Federal legislation and therefore unnecessary—yet when we talk about the poisoning of the minds and the hearts of all America, the poisoning of our reputation around the world, the poisoning of our ability to fight inflation and to build livable cities and create effective health, education, welfare, and job training and employment programs at home, we are each relegated to a 30-second discourse. We create an image of the House of Representatives at its most irrelevant, insensitive, and unresponsive. It does us no justice. I yield the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, in the name of protecting freedom, the freedom of debate has been cut off this afternoon. Therefore, we have cast a 5 o'clock shadow on the history of this Republic. If we succeed in bringing freedom to Asia, will they be allowed to speak longer than 30 seconds?

The gentleman from South Carolina says this involves no skin off his back. I believe that is right. It is true of everyone in this House. So far as I know no one has resigned from Congress to volunteer to back up an undying devotion to serve our country in someone else's country such as Vietnam or Cambodia. This being the case, I suggest that Members of Congress avoid being heroes on somebody else's time.

If I were a young kid in Vietnam today, I would hate to have someone save my life by sending me to a next-door war in Cambodia.

In 1970, Richard Nixon said, "We shall avoid a wider war."

In 1965 Lyndon Johnson said, "The United States seeks no wider war."

Truly, then, the "only thing we learn from history is that we do not learn from history."

There are too many people making history who have never read it.

And there are too many people making war who have never been in one.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, I rise in support of the Leggett amendment. I

concur with the views which have been set forth by my colleagues from New York and Florida (Mr. PIKE and Mr. FASCELL).

None of these amendments will have any practical effect. However, if we adopt the Findley amendment unamended the obvious conclusion is going to be that we are in support of the President's actions in Cambodia, and I cannot accept the view that the short term tactical military benefits which we will gain are worth the enormous political price which is being paid and will be paid, not to speak of the serious escalation of the conflict.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Pennsylvania.

(Mr. GREEN of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the Leggett amendment knowing that it does not deal with the realities of the present Cambodian situation as fully as it should. But I feel that it is the strongest objection to the extension of the war in Vietnam into Cambodia that this House is considering today. And for that reason I will vote for it.

I have many concerns with the latest extension of the war. I will list some of them briefly because I have so little time. I might add that I am appalled that the House has voted to cut off further discussion of the crisis.

First, despite the President's declaration that the move in Cambodia was being taken to shorten the war, past escalations to shortcut the war have only immersed this Nation deeper in it. The President seems tied, despite his protestations to the contrary, to the mistakes of the past.

Second, I object to the administration's failure to consult Congress before embarking on a new phase of the war involving another country in Southeast Asia—particularly after administration spokesmen left the impression that a Cambodian operation was not even being contemplated.

I feel strongly that the risks involved in Cambodia go beyond those taken on the battlefield. We are further dividing the American people and diverting our attention from our most serious problems, the poverty and social isolation which exist in our society.

I do not believe that Americans can long withstand a national policy which permits the democratic process to be violated time and again with the easy rationale that only the President has all the facts.

He may have all the facts, but I question his interpretation.

I believe we here in Congress have the facts, enough of them to recognize a bad situation when we see one.

I intend to support all measures in this Congress designed to terminate our military involvement in Cambodia.

I also intend to support any and all measures which will restore to our Government the constitutional process of checks and balances so that Congress

will be heard, in the name of the people, when our national interests are so deeply at stake.

I hope that my colleagues in this body will do the same.

And I hope that the President will see the wisdom of this course and lead our country to a better future.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, the kids of this country may not be always right, but they are sure as heck not always wrong. I believe that much of their advice on American foreign policy we should have taken some years ago.

There has been some question as to whether the Findley amendment is like the Tonkin Gulf resolution. I should like to read the operative language of the Tonkin Gulf resolution: "the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

I innocently voted for that, as did the whole membership of this House. We made a mistake.

The Findley amendment very innocently is unfortunately just like that. If we support it—it is a new Tonkin Gulf resolution.

I believe the President should be saved from himself. He said here just a few nights ago, as he moved into Cambodia:

Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam.

The President was wrong 2 or 3 days ago, and we are wrong to let him continue to do what he is doing.

He says he wants to get out of Cambodia by the 1st of July. By accepting my amendment and by accepting the Reid of New York amendment we will help the President do what he wants to do.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. FRIEDEL).

(Mr. FRIEDEL asked and was given permission to revise and extend his remarks.)

Mr. FRIEDEL. Mr. Chairman, I am in favor of the Leggett amendment and I am opposed to the Findley amendment.

Mr. Chairman, last week I spoke out on the bill before us today in specific reference to amendments offered to reduce or cut the fat out of the bill. Today, I rise again to endorse the amendment offered by the gentleman from California. As I said last week this bill is a proper vehicle to use in reevaluating or reorienting our national goals or priorities. The amendment of the gentleman will sharply bring this into focus. This body must act with resolution at this time. The predicament that we find ourselves in Southeast Asia must be stopped somewhere. Vietnamization that we have heard so much about over recent months is a public relations catch phrase in the

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face of the President's recent decision. This widening of the war further erodes any credibility the administration's stated plans may have had.

I have repeatedly advised representatives of the administration of my position against any further involvement in Southeast Asia and have asked weeks ago to be provided with the figures as to just how many men were committed.

Mr. Chairman, we have already wasted far too many of our precious sons in this war and have spent billions of dollars that could have been better spent at home and in our cities, rather than to tear up jungle landscape with bombs and tanks.

As a Member of this House and a citizen, I would like to believe that the course that the President has embarked on could be valid. In my judgment it is not. Our brave fighting forces who have been committed to this further extension of the war should be returned to South Vietnam and the administration must begin immediately to renew every effort to extricate our forces from this area of the world. The amendment I favor will give the President 9 weeks to get out of Cambodia. The amendment merely requires the President to consult with Congress and obtain its consent before conducting such operations after June 30, 1970. It would also have the effect of reasserting Congress constitutional responsibility regarding involvement of the United States in foreign wars.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Virginia.

(Mr. DOWNING asked and was given permission to revise and extend his remarks.)

Mr. DOWNING. Mr. Chairman, it has always been my belief that in matters pertaining to our foreign military involvements we should stand foursquare behind our President. I believe that we are obligated to give him every possible support that good conscience can allow.

We must assume that the President has access to all the facts which are available. We must assume that he has received the most expert advice that can be had. We must assume that the President is doing what he thinks best for our country based on those facts. In this topsy-turvy world you have to place your faith in something and someone. For me the "something" in my country and—under these circumstances—the "someone" is my President.

The President has made a difficult decision and one which is probably not popular when it had to be timed coincident with a period of unrest in our country as many others. I do not wish this country to become any further involved in Southeast Asia. In fact, I want to bring our boys safely home as quickly as possible. The action which the President has taken might just help in accomplishing this goal. I think too that if he had not taken this action, he could be jeopardizing the lives of those boys who must remain after the promised return of 150,000 troops by the end of this year.

If it is true that the enemy is holed up in Cambodia awaiting their chance to pounce on our troops at the opportune time; if it is true that the headquarters of enemy operations in South Vietnam are located there, then the President would be remiss in his responsibility not to eliminate those sanctuaries prior to any further troop withdrawals.

We have been told this is a short term operation and our troops will return in 6 to 8 weeks. We have been promised that this is no permanent involvement. Under these circumstances we should support the President in this crucial hour.

Mr. HANLEY. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from New York.

(Mr. HANLEY asked and was given permission to revise and extend his remarks.)

Mr. HANLEY. Mr. Chairman, the House of Representatives is about to conclude a lengthy debate on legislation to authorize the Department of Defense to spend more than \$20 billion for the purchase of new weapons and research and development for even newer ones.

I intend to vote for the final passage of the bill. I am not pleased with the bill, and I am greatly disappointed in the House's performance in considering the merits of the many items contained in the bill.

I supported the great majority, but not all, of the amendments designed to reduce the total amount of funds authorized in the legislation. For example, I supported the various amendments designed to slow down the Defense Department's headlong rush to deploy antiballistic missiles.

I am shocked by the incredible cost overruns which have taken place on so many military programs. Waste and mismanagement are not taken as seriously as they should be. The House ought to provide for a 5 to 10 percent across-the-board reduction in the defense budget as a means of urging upon the Defense Department and its suppliers a sense of the concern which Congress has over the growing expenditures for national security. It is interesting to note that our colleagues who are defending this budget even against the most moderate of suggested reductions are the ones who constantly propose across-the-board reductions for needed domestic programs.

This is really the heart of the matter, the question of reordering national priorities. Nearly all Americans understand the need to be prepared to defend ourselves against other countries whose intentions toward the United States and other areas of the free world are ominous. I do not think that it is necessary for the United States to commit such a high percentage of its national wealth to build up armaments and weapons to accomplish our defense.

This is the point that really has to be understood, that there are needs in this country that must be attended to with the same urgency and the same sense of dedication as some have been applying in recent days to this defense procurement bill. Total and nearly blind

commitment to each and every spending item requested by the Department of Defense is neither responsible nor prudent.

Consideration of this legislation is under the cloud of the enlargement of the Indochinese war.

The House today is thus, also conscientiously debating the issue of current involvement in Cambodia. The President has said that this military action which he initiated will assure the continuation of his announced disengagement and withdrawal in Cambodia would not extend beyond June 30. It appears to me that the Reid amendment would not interfere with the President's intent, yet it would assure against our trading a war in Vietnam for the same in Cambodia. The 6-week period prior to the contemplated monsoon period could thereby be utilized for the purpose of the military flushing action which we are advised is necessary to implement the Vietnam disengagement program. I will support such an amendment.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Oregon.

(Mr. ULLMAN asked and was given permission to revise and extend his remarks.)

Mr. ULLMAN. Mr. Chairman, the history of our involvement in Southeast Asia and the nature of the military and political conflict there has brought many Americans to the conclusion that the objectives we set out to achieve are not possible by military means. The President himself has stated this on many occasions. I cannot believe that extension of the ground war in that area will result in either military victory or negotiated settlement.

It is self-destructive for us to continue to drain our Nation of young lives, economic strength, and national will in a futile effort to control the outcome of conflicts in politically unstable areas. We are rapidly diminishing our capacity to demonstrate to the world that democracy, a free economy, and free institutions are the best answer to the aspirations of mankind.

The conflict in Vietnam alone is already the second most expensive in our history in terms of dollars, and the fourth most costly in terms of lives lost. Yet, there has not been a declaration of war under the terms of the Constitution. The President's precipitate action in Cambodia and the covert operations in Laos were also initiated without the advice or consultation of the Congress. The Congress and the American people have a constitutional right to know exactly what commitment the President is making and the possible consequences of dramatic and dangerous shifts in strategic policy.

There is growing sentiment in Congress and elsewhere that the only effective way to resolve the question posed by our widening involvement in Southeast Asia is through a resolution for declaration of war. Because of the history of this conflict and the tragedy it has inflicted upon the people of Southeast Asia and our own Nation, I would vote against



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such a declaration. But the central issue is whether our Nation's destiny in a matter of such grave importance rests solely with the President, or whether the Congress shall exercise its constitutional prerogatives.

I am hopeful that this issue will be resolved soon. In the meantime, I intend to stand against all military authorizations and appropriations for expansion of the war and take whatever further actions I believe are necessary to bring this conflict to a proper conclusion through the orderly but irreversible withdrawal of U.S. forces from all of Southeast Asia. I support the Leggett and Reid amendments.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from West Virginia.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Chairman, this has been a sad week in American history. The invasion of Cambodia was carried out with an unnecessary amount of deception—not in deceiving the enemy, but in deceiving the American people. The President announced that last Thursday night American troops were attacking the main Communist headquarters, but it has been a long night since last Thursday and the headquarters have not been found. Neither Congress nor the Cambodian Government were consulted, but this is not nearly as important as the fact that the war has been widened with the excuse that lives of Americans in Vietnam are being saved. The only way that lives can be saved is to get out of Vietnam and get on with the job of building America.

It has been a sad week on our college campuses. Frustrations, deception, lack of communication, and the incendiary and inflammatory language of high Government leaders have fueled massive discontent and uprisings. The shocking events at Kent State University are another manifestation of the sickness which has been produced by war, fear, falsehood, lack of communication, and lack of mutual understanding.

It has been a sad week in the Congress of the United States. This coordinate branch of Government, the representatives of people, the great communication link between millions of Americans and their Government, was brutally brushed aside for reasons known only to the Commander in Chief when he suddenly decided to invade Cambodia. Consultation proceeded after the fact. The late Senator Vandenberg used to say he wanted to be in on the takeoffs as well as the crash landings. It is not only pride in the legislative branch which prompts my remarks; it is a deep concern for the future of our representative system of government, and the failure of millions of disenchanted people to have a voice in their Government. I fear for the United States of America under these circumstances. And here on the floor of this House, we must resort to a hurried and contrived effort on the pending bill even to have an opportunity to debate the situation in Vietnam and Cambodia.

Symbolic of the sickness in the House of Representatives is the manner in which we are handling the most important motion of the day—the motion to recommit. Cleverly contrived parliamentary tactics are utilized to insure that the Cambodian issue is not allowed to come to a record vote. A Member who has consistently supported the military authorization bill throughout the committee deliberations suddenly appears to preempt the sponsorship of the recommitment motion, solemnly declaring that he is opposed to the bill. The minority whip under questioning avers that he has seen the details of the recommitment motion but cannot set them forth or explain them. The amounts and significance of the various cuts in the recommitment motion will be hastily read in the House of Representatives, understood by few, debated or explained by none, and voted on in comparative ignorance. Then the bill will be voted on, without amendment, without substantial debate on what is centrally worrying the American people—Cambodia and the leadership of the House of Representatives will congratulate itself on having survived another assault by those who wanted only to have freedom to debate a great issue.

Yes, Mr. Chairman, it has been a sad week in American history.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Virginia.

(Mr. BROYHILL of Virginia asked and was given permission to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Chairman, regardless of the subject matter involved in the amendments pending before us at this time, most of the speeches we have heard on the floor today have been concerned with the recent action taken by our President in sending troops into Cambodia.

We have argued all aspects of this matter; whether he had the constitutional authority; whether the action would involve an expansion of the war; whether the action would cause misunderstanding throughout the world; whether it involved needless risk of the lives of American soldiers; whether it would delay bringing American boys home from Vietnam.

There is no question, Mr. Chairman, that debate and discussion is healthy and, in fact, necessary when we seek to reach our best collective judgment on a matter. We are confronted with a very difficult problem in this particular instance, however, and that is the fact that the President has already acted, as Commander in Chief of all the Armed Forces, in doing what he thought was in the best interest of our Nation and more particularly in the best interest of saving the lives of American soldiers. That he has acted is already an established fact. He has committed our troops to action. So our debate today, which normally would be considered healthy, is being followed word by word by our enemy in their attempt to determine whether or not the President has the backing and support of the American people.

There is little doubt that the debate raging today will encourage the enemy to put forth even greater resistance, Mr. Chairman. And the end result can only be loss of additional American lives. We all know this is not the intention of those of us who are engaging in this debate, but, by the same token, it was certainly not the intention of the President of the United States in taking the action he did to cause needless additional loss of American lives.

There is no question in my mind, and there should be no question in the minds of any Members of this House that the President did what he felt was necessary and essential, based on the information he had, to bring this war to the quickest conclusion possible with the least amount of loss of life. To reduce our support of his action would mean to reduce our support for American troops at the front who must carry out the orders of their Commander in Chief.

As I said before, the enemy is listening, Mr. Chairman. They are looking for encouragement for further resistance and aggression. We must make certain that they do not obtain it as a result of our discussion in areas of understandable disagreement.

We are all in accord that we want to bring our boys home as quickly as possible.

We are all in accord that we want to bring about a lasting peace as quickly as possible.

We are all in accord that we want to stop the greedy and ruthless Communist aggression.

Since we are all in agreement, let us stand together as a nation and as a people at this hour while our boys are fighting in the frontlines under orders attempting to obtain this objective for us.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

Mr. SIKES. Mr. Chairman, I yield to my distinguished colleague from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, it seems to me that really no amendment would be better than any amendment here, but of the three it seems to me that the Findley amendment is the better of the three.

The reason why I feel that way about it is that the President does have a plan of going in there and wiping out materiel, weapons, and ammunition. This has so far been very successful. It has not been reported in the press as having been very successful, but it has in fact been very successful.

If the President feels that American lives would be saved by doing this, then I think this is the thing we ought to do. I do not believe that we in the Congress can be the Commander in Chief. Our forefathers decided in the Constitution



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that responsibility and authority should rest in the hands of the President. I do not believe you can have a lot full of generals. We here in Congress are not equipped to direct tactical matters. You can make serious errors by going in various directions at the same time.

It would be wisdom for us to reject all of these amendments or take the Findley amendment, which is the one that seems to be more consistent with what the President has in mind of saving American lives in that area.

In approaching questions like this we should not bend to public opinion and to hysteria and to excitement but we should do our duty. It is not important whether we come back to Congress next time, but it is important whether our country will do what we should do in the field of international affairs. When we are called on by a small nation to assist them under a treaty which we set up with the idea of bringing about world peace, we should assist them. It is important that we do that, but it is not important that we come back here next time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

(Mr. DENT asked and was given permission to revise and extend his remarks.)

Mr. DENT. Mr. Chairman, I just want to say that for about 9 years I have made no statements on this floor concerning the Vietnam war. I felt, like all of you, a great many distressing moments. However, I belong neither to the far left nor the righteous right nor the muddled middle. I only belong to the people of this country, insofar as I am capable of serving them. I went along with the Gulf of Tonkin resolution. I made a mistake because I was told it was only to support the hand of this Government and the SEATO nations. That was not the case. However, having been stuck with that decision, I stayed with it. My father told me when I was a boy that when you are fooled once it is the other man's fault, if fooled the second time, it is your fault. I will not be fooled again.

I am opposed to sending American troops into Cambodia and will vote against any Defense Department request for funds that would be diverted for use in Cambodia. We Members adopted a seldom-used strategy, in that those opposed to the Cambodian invasion moved to stop further action on the Defense Department appropriation bill until the President explains his action in moving troops into Cambodia.

I remember my father's advice many years ago when he said, "when you start to explain it's bad already."

Many questions must be answered by the President, how can he justify what can be termed an invasion into Cambodia because it is a sanctuary for the Vietcong and North Vietnam when we did not invade North Vietnam, when it is the principal sanctuary of all enemy action. There is some question as to whether or not Cambodia can publicly approve American troops on its neutral soil.

It might be a good idea for the President and his advisers to reread Napoleon's march into Moscow, and his disastrous retreat. By moving into Cambodia

we have opened ourselves up for future similar decisions as related to Laos, Thailand, and Burma—each of the areas have enemy action.

What is most dangerous is the President's view and belief that we must recommit ourselves to being the police action for the world and attempt to put out every brush fire, especially so in the unstable political and military situations in Southeast Asia and the Orient in general.

I personally do not intend to vote any money over and above what we need to extricate ourselves from a slow strangulation in Vietnam.

This vote will be taken after the authorization, when the appropriation bill is before us.

Mr. HELSTOSKI. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman.

(Mr. HELSTOSKI asked and was given permission to revise and extend his remarks.)

Mr. HELSTOSKI. Mr. Chairman, I rise in support of the Leggett and Reid amendments.

Mr. Chairman, the major disturbing and dissent-inspiring issue now before the American public is the extension of the undeclared war in the Far East to Cambodia.

It well appears that President Nixon may have jumped the United States into a raging fire that could bring undeclared foes of our Nation into a declared and warlike status to end the hopes of achieving peace in all areas of the world.

In my opinion it is a gamble that should not have been taken.

I do not want to appear unduly critical of President Nixon's action and decision on Cambodia because I realize that he knows far more about the situation than any Member of Congress because of his own choosing—keeping us in the dark and not letting us know fully what is going on.

But I must question his decision and action into moving into Cambodia because of some recent events.

A key one was President Nixon's recent appearance before the American public over the airwaves when he lulled us into a hope that our involvement in Vietnam was nearing an end through his announced plans for withdrawing of 150,000 more American troops. Americans breathed somewhat easier after that announcement. They were shocked by what followed a few days later—an expansion of the war.

This exhibition on the part of the President might well be called cruel and inhumane. What prompted him to order an expansion of the war? Only the President can answer, and he is being far too vague for Members of Congress and the public at large.

President Nixon's Cambodian action has brought to me more public dissent than at any time in my 5 years in Congress. At this moment I have received more than 900 telegrams and letters critical of the President's action and just 15 messages supporting it. I have received many telephone calls at my office and home expressing dissent. There has been a steady flow of visitors to my

office to place before me their opposition. These people of all ages have been orderly dissenters. It would seem that the silent majority is making itself heard, and I do hope that the President and his advisers are getting the message.

Another recent event that is disturbing to many is the overturn of the government in Cambodia. The head of state took a trip and during it was deposed and sent into involuntary exile at least for the moment. A regime, supposedly friendly to us, took over and now we are embarked on a new excursion into war. Did the Central Intelligence Agency direct or participate in the action.

The question is pertinent for it was more than rumored that a few years ago, the same CIA was an active participant in the overthrow of a South Vietnamese government that led us into great difficulties.

As some of President Nixon's predecessors might advise him the CIA is far from totally reliable in international situations. From the leaks that do come from this super-security agency it appears its failures outweigh its successes.

Thus, the President must be asked did he rely on the CIA in arriving at his decision? Or, did he rely on the advice of the military some of which believe only in the bloody conquest of a foe? Or, was it a combination of the two—the many times faulty CIA and the military? The public is entitled to the answer.

In seeking a full explanation from President Nixon, we must also ask why he apparently ignored advice from key members of his cabinet and others in the inner-circle of his administration who recommended against the invasion of Cambodia. Who, it must be asked, is Mr. Nixon's alter ego who shares the Presidential decisionmaking to the exclusion of other officers and confidantes and Members of Congress? We should know. The public should know.

Then, I have reason to believe that the President and his staff knew of the advice given by the minority leader of his body back on January 10, 1968. In a public declaration on that date the minority leader raised the point on the possible invasion of Cambodia by the United States and stated that no such step should be taken before consultation with Congress.

The minority leader's advice obviously went unheeded. Can any Member of this body or the Senate say they were consulted by President Nixon before he plunged us into Cambodia? I expect not.

We must provide President Nixon with a public forum to answer these and other questions regarding the situation in the Far East. We should not allow him to hide behind a canned address delivered to a nationwide television and radio audience such as took place when he announced hostilities were underway in Cambodia.

Thus, as I did on December 2, 1969, in this body, I again ask the leadership of the Congress to invite the President to appear before a joint session of Congress to discuss—not address—with us the situation in the Far East. In making that request last year, I stated:

It is my humble opinion that the President should place all of the facts in the Vietnam

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situation before us. He could appear before a joint session of Congress to set forth all of the facts and problems. If necessary it could be an executive or closed session. He could permit a stated number of questions to be asked of him. He might keep us apprised of developments by appearing before a joint session every 30 days. Through such a procedure, he would be helpful to us and we might be helpful to him.

For the President to decline such an invitation from the leadership would be unthinkable unless he wants to declare to the world that we are lesser of a democracy than Great Britain or more of a monarchy than Great Britain. As we all know, the Prime Minister of Britain appears frequently before his nation's House of Commons to answer questions—many of them—in regard to the actions and policies of his government.

As an example of other questions that might be asked of President Nixon, I hereby place in the RECORD the following newspaper column written by Mr. Josiah Lee Auspitz, president of the Ripon Society, a Republican research and policy group:

MR. NIXON'S WAR BRIEF LEFT OUT SOME DATA  
(By Josiah Lee Auspitz)

The decision to go into Cambodia was doubtless presented to President Nixon as a low-risk venture, as a quick surgical operation.

American troops would clean out North Vietnamese base camps and then use this victory to gain a quick and favorable negotiated settlement.

Mr. Nixon appears not to have adequately considered these factors:

1. The nature of the terrain. On the simple maps Mr. Nixon used in his talk, the operation looks very easy, but, in fact, the terrain is heavily overgrown.

The area north of the Parrot's Beak is forest on both sides of the border. The Communist headquarters that U.S. troops are seeking to destroy has in the past been moved around on both sides of the border between Cambodia and South Vietnam.

Even if the sweeps do succeed in producing high body counts, they probably will not achieve their basic goal of improving permanently the American negotiating position.

2. Information flow. It is doubtful whether the President can get an independent estimate even of the success of the military operation.

The President in his speech made no mention of having independent means for evaluating this operation, nor has he taken public steps to punish dishonest reporting to the White House in the recent past.

Before preparing his white paper on Laos, for example, the President sent out special instructions to all U.S. military and civilian agencies involved to report on their past activities, public and private.

They returned to him misleading information and concealed from him American deaths in combat. On March 6, the President read to the public a misleading report on combat deaths.

When its falsity became apparent, Mr. Nixon had a credibility gap, but no disciplinary action was taken against the career officials whose secretiveness and insubordination undermined the institution of the Presidency.

3. Vietnamization. The areas adjacent to Cambodia (the Mekong Delta and Saigon), which the President now wants to protect, have already been turned over to the South Vietnamese for defense.

Indeed, the defense of the delta and Saigon by ARVN has been publicly hailed by the

Administration as a sign of the success of the Vietnamization program.

It is a contradiction of these past claims to suggest, as the President has, that the lives of American troops are potentially in danger in these areas.

4. Within the Nixon administration two contradictory arguments seem to have been used to justify the Cambodian venture.

#### THE ARGUMENTS DON'T FIT

On the one hand, it was argued that the North Vietnamese would be too weak to counterattack (hence a golden opportunity to clean out their base camps).

On the other hand, it was asserted that Hanoi's forces were so strong that a failure to move into Cambodia would lead to a rout of U.S. forces as they withdrew, and to a Communist takeover of all of the former French Indochina.

Both of these contradictory assumptions can be found in the President's television address, and they give one an uneasy feeling of unclear purpose.

5. Consequences for American democracy. Secretary of State Rogers had publicly assured the Senate Foreign Relations Committee on Monday, April 27, but gave it no making any new commitment of American forces.

He did, indeed, appear before that committee on Monday, April 27, but gave it no clear notice of the ARVN invasion of Cambodia on the following Wednesday, or the American search and destroy operation on Thursday.

One could, of course, conclude that the Cambodian operation was decided on after his meeting with the Foreign Relations Committee, but the logistical preparation for the operation appears to have begun at least 10 days in advance.

This means that it was planned at the time Mr. Nixon delivered his Vietnam troop withdrawal speech of April 20.

The American public and Congress can deduce what they will—either the Administration was precipitous in its planning of the operation, or it was a case of duplicity.

6. The economy. In March 1968, before President Johnson's withdrawal, European investors lost confidence in the dollar as a result of rumors of Vietnam escalation. An international financial crisis ensued.

It was ended when the United States negotiated a two-tier price system for gold and gave assurances to European central bankers on the future course of the American economy. A prolonged American presence in Cambodia could produce a new crisis of confidence.

7. The global perspective. The overriding defect in the President's three speeches on Vietnam was that they failed to put the war into clear perspective in the global context of U.S. foreign policy.

The President has perpetuated the notion that the United States and Hanoi are engaged in a contest of will and bluff—in a poker game—and that if Washington appears to lose, its commitments everywhere in the world will be in jeopardy.

The great danger is rather that like other search and destroy operations for this very same target, this one will prove to be inconclusive: that other countries will enter the fray, and that the President will be drawn in still deeper.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I am sorry that today there have been many political overtones. This is truly regrettable. As a Member of the Congress privileged over a period of many years in the past to attend leadership meetings at the White House, I want to say that

when I went to the White House and heard President Jack Kennedy say that he was in trouble, I looked upon him as my President, not a Republican or a Democrat. He simply was my President. He was the President of all of the people of the United States. When I heard Lyndon B. Johnson say before the combined leadership of the Senate and the House, "I am in trouble and so is the country," I did not look at him as a Democrat President. He, too, was the President of all of the people of the United States.

Today the situation has repeated itself. Today we have a President of the United States, Mr. Nixon who faces difficulty, and it seems to me that as loyal Americans we should help him out of the difficult situation he finds himself in at this particular time. I am a little amazed and surprised that more Members of this House have not stood up on the floor in an earnest and sincere effort and say "let us help get out of this difficulty for the benefit of the youngsters of America today who are confronted with the realities of the war in Vietnam."

We can and will get out of Vietnam. The President has said we will do so. This is an absolutely essential action the President has taken in Cambodia.

It is an action he has been forced to take in order to continue the orderly withdrawal of troops from Vietnam.

Let us assist him in this purpose and objective—it is our President's solution to the dilemma he has inherited.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

(Mr. FISHER asked and was given permission to revise and extend his remarks.)

Mr. FISHER. Mr. Chairman, I support President Nixon's move to destroy the base supply dumps of the enemy in the sanctuaries of Cambodia. It is now known that the Cambodia action was in no sense an escalation. It was for one purpose only—to destroy large quantities of rice and warmaking equipment.

The mission has been a great success. Storehouses of guns and ammunition have been captured or destroyed. Enough rice was destroyed to feed a sizable army.

This all means many American lives have been saved.

All U.S. forces in Cambodia will be withdrawn within about 6 weeks.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from California.

(Mr. DON H. CLAUSEN asked and was given permission to revise and extend his remarks.)

Mr. DON H. CLAUSEN. Mr. Chairman, we have under consideration today three basic amendments which have, as their express purpose, a limitation on the commitment of Federal appropriations to finance U.S. ground combat troops into Laos, Cambodia, or Thailand.

The differences between these amendments is, in my judgment, minimal;

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however, it is my intent to support the so-called Findley amendment because it contains the kind of flexibility that would be required to protect the lives of American fighting men. The language in the Findley amendment is clear and it speaks for itself. However, to focus the attention of the House on that language, I believe it is worth repeating in its full content.

The Findley amendment reads as follows:

In line with the expressed intention of the President of the United States, none of the funds authorized by this Act shall be used to finance the introduction of American ground troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

Some have held that the language of this amendment is "too broad a grant of power that should properly be reserved to the Congress." But, as the gentleman from Illinois (Mr. FINDLEY) has pointed out—it grants no power whatever. Instead, it establishes the kind of guidelines that are required for both the President and the Congress.

I frankly believe these guidelines are consistent with the Vietnamization program that, from all reliable reports, is on schedule and succeeding. In addition, the Findley amendment recognizes the President's unquestioned duty as Commander in Chief to act responsibly and with dispatch in emergencies adversely affecting the lives and safety of American troops when threatened.

It is incumbent on every Member of Congress to carefully consider and then act constructively on the measures advanced here today which, we earnestly hope and pray, will contribute to a just and honorable peace in Vietnam.

A united America will succeed, but a divided America will fail both at home and abroad. Therefore, I ask support for the policies and guidelines expressed in the Findley amendment.

Mr. COHELAN. Mr. Chairman, I am unalterably opposed to the Findley amendment. This amendment is nothing less than the abnegation of the role of the Congress as a coequal hand in constructing our foreign policy.

Elsewhere, Mr. Chairman, I have stated my rejection of the Nixon expansion of the war into Cambodia. The assumptions and far-reaching implications of this unilateral decision has led me to conclude that the President has erred in his judgment. Elsewhere I have given my analysis of the situation.

We, as representatives of the people, have the duty and the obligation to make our own independent analysis of this Presidential decision. I have done this and I have concluded that the President has grievously erred. The New York Times indicates there was confusion within the administration. Can it be true that this is "General" Mitchell's policy and not that of the Secretaries of State and Defense?

Given this state of affairs, how can this Chamber act responsibly merely accepting the President's limp rationale that

our troops were threatened. Were they not threatened last year or the year before? Why was no action taken then? Where is the highly lauded Vietnamization fighting force? Why must we commit U.S. ground troops? What can be accomplished? All of these questions have a familiar ring, their response is predictable: we will be bombarded with statistics, disclosures of weapon seizures, perhaps even with news of the destruction of a central headquarters. The real result is more tangible: many died and many wounded, claims of successes followed by the discovery that the North Vietnamese have returned and, more frighteningly, that the United States has acquired a new commitment.

Mr. Chairman, we must stop this madness now. The President has erred, the American people do not want an expanded war. The American people want this conflict terminated. Support for the Findley amendment is a new Gulf of Tonkin. It provides a new legislative basis for the President to chase that illusive victory that has so ravaged Southeast Asia and threatens to disembrace our own society. This insanity must end.

We must vote down the Findley amendment. The President cannot delay his pledge to end the war with the old refrain "just one more try." This Nation is sick over this conflict, it must not be expanded. The President is in serious error, the Congress must rectify this error. We must act now to defeat this amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in support of H.R. 17123. I do so because I am deeply concerned about the growing military capability of the Soviet Union coupled with their unrenounced purpose of world domination. More than 50 years have passed since communism was established in Russia. They have not lifted the Iron Curtain. They have not joined the family of nations.

The Soviet Union is on the verge of passing the United States in military power. I do not intend to repeat comparative figures already given showing land, sea, and air powers.

Today I wish to direct my remarks to nuclear propelled naval vessels of several types. The information contained in my remarks is contained in various hearings and reports of the Joint Committee on Atomic Energy.

The Joint Committee in hearings earlier this year reviewed the status of the naval nuclear propulsion program with particular regard to the advancements made by the Soviets in their nuclear submarine program. On the basis of this review, the committee believes that the U.S. naval reactors program, considered in its entirety, has achieved remarkable results in the field of submarines and surface warships. It continues to provide effective and reliable power reactors for both defense and peaceful uses of atomic energy all of which directly benefit our national well-being.

The classified testimony received by this committee confirms that tremendous resources continue to be applied by the Soviet Union to submarine design, construction, and operation. According to unclassified data, the Soviets now have

a force of about 350 submarines, all of which were built since World War II. More than 70 of these are nuclear powered.

The United States has 146 operational submarines, 87 of which are nuclear powered and the remainder diesel powered. Most of the diesel units are of pre-World War II vintage. In total numbers the Soviets have an advantage of 350 to 146. What is even more disturbing is that the numerical lead in nuclear submarines, so long enjoyed by the United States is rapidly vanishing. We could lose it within 2 years, considering the large-scale construction program underway in the Soviet Union.

In the case of ballistic missile submarines, the Soviets have assigned top priority to surpassing our U.S. Polaris fleet. They are building nuclear-powered submarines similar to our Polaris types at a rate which will equal our fleet of 41 by 1973 or 1974. We can assume that already these submarines are patrolling the ocean—each with its 16 ballistic missiles targeted on U.S. cities.

The Soviets have also introduced a number of new design nuclear submarines having a wide variety of capabilities. They have made large-scale commitments to submarine design, development, and construction that far surpass our efforts in the United States. Unless we continue to move ahead in submarine propulsion plant development, the United States may well find that in future years it will be as far behind in quality of submarines as it is today in numbers.

In light of these considerations, the Joint Committee strongly supports a continuing nuclear submarine construction program which should include as a minimum this fiscal year, authorization of funds necessary to complete three high-speed SSN 688 class nuclear attack submarines and advance funding for two more. In this regard the committee wishes to express its deep concern over the continued delay by the Department of Defense in assigning to the SSN 688 class the highest industrial priority.

The Congress has consistently supported a vigorous submarine construction program because of the vital part it plays in countering the Soviet submarine threat. The urgency of this program has not diminished and the Department of Defense should take prompt action to assign to the SSN 688 class the high priority it clearly deserves.

The Joint Committee, in addition to urging the support of a vigorous nuclear submarine development and construction program, wishes to commend to the Congress a strong nuclear surface warship development and construction program. As the United States continues to reduce its overseas bases and to lay up overage ships, and as the Soviet capabilities at sea continue to accelerate, the need for nuclear-powered warships in our fleet is of increasing importance.

The nuclear-powered attack carrier and nuclear frigate programs are of vital importance to provide the mobility and tactical flexibility needed in our naval striking forces. Secretary of Defense Laird summarized the importance

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of nuclear-powered surface striking forces at the keel laying of the nuclear frigate *California* on January 23, 1970, as follows:

What we are doing here today is to begin a vitally needed and continuing program of ship construction to improve the Navy of the United States. We are building nuclear-powered frigates for the Navy of the 1970's, the 1980's and the 1990's.

The *California* will be equipped with anti-submarine (and anti-air and anti-surface weapons. These will enable her to operate, either independently or in concert with other units, and in any or all of these important roles.

As an escort to nuclear aircraft carriers of the present and future, the *California* and her successors which have been authorized by the Congress will greatly extend the range of attack carrier striking forces throughout the world.

The additional radius of action which the *California* and her successors will provide to meet naval forces will be of great value to the defense of our country and the defense of our allies. This is particularly important as we face the inescapable reality of what the Soviet Navy is doing in expanding seapower throughout the world. The Soviet Navy is now second in power only to our own.

Mr. DONOHUE. Mr. Chairman, I intend to support and I urge the adoption, without any weakening substitute, of this pending amendment proposing to withhold, in line with the expressed intention of the President, any use of funds being authorized under this procurement act, to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia, without the prior consent of Congress. I most earnestly hope, Mr. Chairman, that this amendment can and will be adopted and approvingly decided without recourse to political partisanship, or question of the motives of any Member of the Congress or the President of the United States.

We all know that the President of the United States has many and great agonizing burdens in his office with which we sympathize, but we must also be mindful of our own legislative responsibilities. Because of that high legislative responsibility and duty I am impelled to hold very grave doubts about the wisdom and judgment of the President's very recent action in ordering the participation of American ground combat troops in the invasion of Cambodia which, thereby, widens our military involvement in southeast Asia. Many authorities believe this military order of the President, as the Commander in Chief, of our Armed Forces, to be contrary to the wishes of the great majority of American citizens and an unwarranted projection of the power of the President, as our military Commander in Chief, without the prior consent of the Congress.

Mr. Chairman, some 5 years ago we entered Vietnam to engage in a "limited war." More recently it was understood that we were unalterably committed to the actual carrying out of such limitation by a scheduled and orderly withdrawal of American military forces in Vietnam. This sudden and unexpected entry of American ground troops into Cambodia can hardly be conceived as

consistent with our limited engagement and troop withdrawal objective.

Unfortunately little if any reason has been revealed to indicate that the Vietnam war can be ended by these current military actions in Cambodia, which cannot affect infiltration by the sea, through Laos, or across the demilitarized zone. Unfortunately there is little or no evidence, from past experience, that would tend to indicate that the Cambodian sanctuary can be effectively destroyed. On the contrary it is quite clear, from the record, that similar bases have been repeatedly cleaned out within South Vietnam only to have the enemy resume their military activities as soon as American and South Vietnamese troops had withdrawn.

If reasonable prediction of the future can be made by reviewing our unfortunate experience in the past we are forced to conclude that, however well meaning, the objective of eliminating Cambodia as an enemy sanctuary cannot be lastingly accomplished and most likely will involve us in an indefinitely prolonged military entrapment as dangerous and as tragic as that which has already been encountered in South Vietnam.

Any objective evaluation of the circumstance surrounding this Cambodia invasion by American ground troops appears to emphatically indicate that it is unwarranted, untimely, and unwise; it does not tend to advance the best interest of this Nation and our people either abroad or at home.

Mr. Chairman, I very deeply believe that the sincere desire of the President, the Congress, and the people of the United States is to bring about the complete withdrawal of our troops and the end of the Vietnam war as quickly as possible. The President and the Congress share the obligation to respond to the American people in this tragic hour. The President cannot and ought not attempt to conduct a military venture of this nature and magnitude alone without reference to, consultation with, and approval by the Congress.

I think our basic challenge here is whether or not, under our system of government, the President and the Congress can now work together to achieve the priority objective of our country today which is, to end the war, restore peace, and regain our unity as a people. This amendment, and I again urge its approval without any diluting language, is designed to demonstrate that the Congress will accept its separate responsibility in the commitment and involvement of American armed services in any substantial military operation. I hope that the Chief Executive will accept our legislative gesture in the wholesome spirit in which it is intended and that this congressional action will bring us together for our common purpose of restoring peace in the world and unity in our land.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Chairman, the hour of decision is about to

come upon us. The first amendment to be voted on as I understand it will be the Leggett amendment. The Bingham amendment may initially, but the first amendment of significance I understand involving the debate we have had here is the Leggett amendment.

Mr. Chairman, the Leggett amendment, there is no doubt whatsoever, if adopted, will hamstring the efforts of the President of the United States to achieve success in our program to withdraw American forces from Vietnam.

Now, each one of us can rationalize our vote as we see fit. But I think we have a deeper responsibility and that is not to hamstring a program of the President of the United States to withdraw American forces. The Leggett amendment, if adopted, would do that. The Reid amendment, if adopted, would do that. The best of the alternatives is the Findley amendment, and I hope it is approved.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

(Mr. RIVERS asked and was given permission to revise and extend his remarks.)

Mr. RIVERS. Mr. Chairman, the gentleman from Michigan (Mr. GERALD R. FORD) has stated the manner in which the votes on the various amendments will come. First, will be the vote on the Bingham amendment, then the Leggett amendment and then will come the Findley amendment. After the Findley amendment passes there will be no remaining amendment on this particular subject.

Now, Mr. Chairman, the President of the United States has accepted the Findley amendment. He says he will accept it. Personally, I do not want it. I do not think his hands should be tied. I do not think he is doing the right thing. He said, however, he is not interested in numbers; he is interested in installations to protect the flanks of our troops.

Someone has said that we have not had enough debate on this subject and that we should not limit debate. Now, Mr. Chairman, all I can say is that I have tried to be patient and have been patient. I have asked for unanimous consent all afternoon to close the debate on these amendments. Yet, we have had over 5 hours of debate on this one amendment and the amendments thereto. We could stay here until kingdom come and some people still would not want to vote. The House by a vote of 147 to 82 limited the time of debate. How more democratic can you get? So, I have no apologies about the limitation of debate.

Now let us vote and get this thing over with one way or the other.

The CHAIRMAN. The hour of 5 o'clock having arrived, the question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment offered by the gentleman from New York (Mr. REID).

Mr. BINGHAM. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BINGHAM and Mr. RIVERS.

The Committee divided; and the tel-



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lers reported that there were—ayes 70, noes 232.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT) to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. FINDLEY).

Mr. LEGGETT. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The committee divided, and the tellers reported that there were—ayes 132, noes 215.

So the amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. FINDLEY) for the amendment offered by the gentleman from New York (Mr. REID).

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN to the amendment offered by Mr. FINDLEY in the nature of a substitute for the amendment offered by Mr. REID of New York:

After section 403, strike out all the language of the Finley amendment and insert the following:

"None of the funds authorized to be appropriated by the Act shall be used in a manner inconsistent with the following purposes:

"American troop withdrawals from Vietnam shall continue expeditiously, in line with the expressed intent of the President, and every effort shall be made to achieve an early end to the conflict in Vietnam through negotiations.

"Consistent with the national interest, the President shall avoid enlarging the present conflict into the neighboring states of Cambodia, Laos and Thailand."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN) to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. FINDLEY) for the amendment offered by the gentleman from New York (Mr. REID).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FRELINGHUYSEN and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 140, noes 172.

So the amendment to the substitute amendment was rejected.

The CHAIRMAN. The question now occurs on the amendment in the nature of a substitute offered by the gentleman from New York Mr. REID).

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 171, noes 144.

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID), as amended by the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

#### PARLIAMENTARY INQUIRY

Mr. BURTON of California. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BURTON of California. Mr. Chairman, will the Chair clarify for the Members the question before the House?

The CHAIRMAN. The Chair will state that the question is on the amendment offered by the gentleman from New York (Mr. REID) as amended by the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY).

Tellers were ordered, and the Chairman appointed as tellers Mr. FINDLEY and Mr. LEGGETT.

#### PARLIAMENTARY INQUIRY

Mr. THOMPSON of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. THOMPSON of Georgia. Mr. Chairman, if this amendment is defeated, is there then no restriction whatsoever on the President with regard to the bill?

The CHAIRMAN. The Chair will state that if this amendment is defeated, all amendments relating to that subject matter will have been rejected.

The Committee divided, and the tellers reported that there were—ayes 32, noes 221.

So the amendment was rejected.

Mr. RIVERS. Mr. Chairman, I wonder if we can agree on a time for a final vote on the bill and all amendments thereto. I ask unanimous consent that all debate on the bill and all amendments thereto close at 7 o'clock.

Mr. EVANS of Colorado. Mr. Chairman, I object.

#### MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on the bill and all amendments to the bill close at 7 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

#### AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California:

On page 2, preceding line 20, insert the following: Change the period to a semicolon and add the following: "and Provided further, that the funds authorized herein for the construction and conversion of naval vessels shall be equally distributed between

the Atlantic, Pacific, and Gulf Coast shipyards unless the President determines that another distribution will maintain shipyards in each of the areas adequate to meet the requirements of national defense."

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of the amendment.

#### PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me for a parliamentary inquiry?

Mr. ANDERSON of California. Yes; if it is a parliamentary inquiry.

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. STRATTON. Under the limitation of debate imposed by the House a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?

The CHAIRMAN. The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments.

Mr. STRATTON. I thank the Chair.

The CHAIRMAN. The gentleman from California is recognized.

Mr. ANDERSON of California. Mr. Chairman, I have an amendment at the desk.

The amendment I offer incorporates the spreading of our shipbuilding program, a position which was adopted by the House last year in the military procurement authorization. However, this extends it to the entire shipbuilding program.

Last week we adopted the amendment offered by the gentleman from New Hampshire that relates specifically to the construction of the DD 963-class destroyer.

The intent of these provisions is to give an added boost to our sagging shipbuilding industry. To quote the committee report of last year:

Putting all of the ships into one yard leaves other yards without orders, and with a difficult task of making up the uncompensated costs of their proposals out of clear profits on other work.

In addition, by spreading the contracts to various shipyards, we would avoid two hazards which could halt production; first, a strike could block construction for periods of time, and, secondly, mismanagement by a single firm could halt production of a category of ship.

Mr. Chairman, my proposal extends the "three yard provision" to all of the shipbuilding program.

However, let me hasten to assure you that this is not entirely a new idea. Already there is in the law, section 7302 of title 10 of the United States Code, which presently states:

The Department of the Navy shall have constructed on the Pacific Coast of the United States such vessels as the President determines necessary to maintain shipyard facilities there adequate to meet the requirements of national defense.

Mr. Chairman, I have taken language which permits the President to allocate, and I have altered it to require the equal distribution of this shipbuild-

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ing work unless the President finds that another distribution will maintain an adequate shipbuilding capacity on all three coasts.

I feel that this amendment will help revitalize our shipbuilding industry in more areas, and I feel that the national interest can best be served by spreading our shipbuilding to various yards—for our shipbuilding capabilities on the east, west, and gulf coasts must all be able to build modern naval vessels.

Mr. Chairman, I would ask the chairman of the Armed Services Committee what his position would be to this amendment.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I will answer the gentleman in this way. We have a differential in price between the east coast and the west coast. It will have to be worked out in conference due to the limitations on the amount of money for construction.

I cannot answer the gentleman unequivocally, but I will say to the gentleman I will try to work something out in conference, as best I can, due to this price limitation. It is something we have no control over, and I cannot say I am in favor of the gentleman's amendment. I will say we want a shipbuilding capability on the west coast. We have one, and we are building up the industry all the time, both in private and Federal shipyards. So I will accept it under those conditions. That is all I can say to the gentleman.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, of the \$3 billion roughly which is being authorized, \$600 million is to be appropriated only for expenditures in naval shipyards. There are some on the east and on the west coast but none on the gulf coast. Would the gentleman's amendment cause one-third or \$200 million of the \$600 million for naval shipyards therefore not to be spent at all, because there are no naval shipyards on the gulf coast?

Mr. ANDERSON of California. No. My proposal simply establishes a policy that it would be the intent of Congress that we spread this shipbuilding and conversion over all three coasts, rather than in one particular area. We would leave it to the President to determine how these funds should be spread.

Mr. HOSMER. Within the total sum? The entire \$600 million could be spent on the east and west coasts?

Mr. ANDERSON of California. Yes. Mr. HOSMER. Mr. Chairman, I thank the gentleman from California.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, does this apply to new shipbuilding only, or to repairs coming out of the same fund?

Mr. ANDERSON of California. The amendment I am offering provides for

new construction and conversion. Therefore, it applies to both.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ANDERSON).

The question was taken; and on a division (demanded by Mr. ANDERSON of California) there were—ayes 29, noes 44.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN:

On page 2, line 12, after the word "Navy" strike "\$3,013,900,000" and insert "\$2,578,900,000".

(Mr. WHALEN asked and was given permission to revise and extend his remarks.)

Mr. WHALEN. Mr. Chairman, in the time allotted me I would like to cover three points.

First, I shall explain what the amendment proposes.

Second, I shall explain the reasons for the amendment.

Third, I should like to touch upon the question raised by the chairman of the Armed Services Committee last Wednesday relative to the need for additional ship procurement.

First, what does the amendment propose to do? It merely seeks to reduce by \$435 million the item of ship procurement in the authorization bill. This would simply restore the original figure asked by the Department of Defense. So what we would be doing, if this amendment is adopted, would be to grant the entire request for funds for naval ship procurement as submitted by the Department of Defense, but no more.

Second, as to the reason for this amendment: I believe we have to recognize as we analyze the budget that ship procurement has grown faster than any other major element of the budget, including the defense as well as all other budgets submitted by the Chief Executive. As an example, between fiscal years 1969 and 1970 the appropriations for ship procurement more than tripled. If this authorization is approved and the amount of money in this authorization is funded, then quite obviously funds will be diverted from other needed areas, particularly in the domestic field. I believe we have to recognize that the committee in reporting this bill has applied two standards, one for the Army and one for the Navy. If Members will read the committee report, they will note on page 17 the comments regarding research and development funding. I quote the following:

The reductions applied to the Army Research and Development budget results in a total amount recommended for authorization which is approximately the same dollar level as authorized by the Congress last year.

What we did to the Army, particularly in the research and development field, was to cut their request and bring it back to the level which was approved and authorized by the Congress last year. This was not done in the case of the Navy. As noted previously, the committee saw fit to increase ship procurement

over and above the President's request, by an amount of \$435 million.

For these reasons, I would certainly hope that the Members of this committee would support this amendment.

Third, I should like to touch on the question proposed by the chairman of the Armed Services Committee last Wednesday in our brief colloquy; that is, the question of the need for additional ships. Mr. Chairman, I do not believe that need, per se, is the issue here. Certainly I would agree that the Navy needs additional ships. I believe we would all agree that the Air Force probably needs additional aircraft. Certainly we need additional funds for public housing. We need additional funds for education. We need additional funds for urban renewal. I believe we would all agree that the taxpayer needs additional relief.

Therefore I am suggesting that need as such is not the issue. Rather, it is the question of relative need. I submit to you that the need for additional ships represents a low priority. Had the need been greater, relative to other defense and nondefense items, the President, I am sure, would have incorporated the additional \$435 million in his budget request.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Under the limitation of debate, is it permissible for a Member to speak twice within his allotted time either for or against two specific amendments?

The CHAIRMAN. The Chair will recognize the gentleman for one time in support of or in opposition to an amendment.

Mr. STRATTON. But not more than once?

The CHAIRMAN. No; not more than once.

The Chair recognizes the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio. It relates to naval shipbuilding.

I believe the gentleman from Ohio has made a number of very astute observations. I usually share a lot of his philosophy with respect to military expenditures. However, I think when it comes to naval shipbuilding certainly we have divergent views. I tend to believe that if we are sincere in wanting to drop \$1 billion out of this bill, the place to do it is in the ABM field. Those amendments, of course, have been offered and rejected. Now to move to strike out an additional \$435 million for naval shipbuilding I do not think is in the interests of the United States.

Mr. Chairman, I will say this: If you are for conservation in defense spending, I think you can still support a first-class Navy whether you are for cutting or not. At the present time we have a considerable number of our aircraft carriers that are obsolete and which survive on oil. Even if the National Security Council comes up with recommendations in a few

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years that maybe only 10 carriers would be in our American national interest, still I believe it is advantageous for us to convert our existing carriers to a nuclear capability.

Mr. RIVERS. Mr. Chairman, will the gentleman yield to me?

Mr. LEGGETT. I yield to the chairman of the committee.

Mr. RIVERS. Mr. Chairman, this is a committee amendment they are trying to strike out. It had only two or maybe three votes against it in committee. It is vital to the retention of an adequate Navy. The gentleman from California is absolutely right. We are laying up 180 ships this year. At this rate we will have no Navy. This amendment of \$435 million for new ships and conversion is the identical number which was set by the Secretary of Defense and which he said he needed and wanted and which has first priority. The gentleman from California (Mr. LEGGETT) is absolutely right. The entire committee favors the addition of these ships. They will not add one dime to the budget that came up here from the Pentagon.

Mr. LEGGETT. I say on this one matter the chairman is exactly right; 80 percent of our existing Navy is over 20 years of age. All you have to do is go out on some of these old tubs, and you are certainly embarrassed by it.

Mr. Chairman, I urge rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

The question was taken; and on a division (demanded by Mr. WHALEN) there were—ayes 22, noes 55.

So the amendment was rejected.

## AMENDMENT OFFERED BY MR. OLSEN

Mr. OLSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN:

On page 2, line 5, strike out "\$2,452,200,000" and insert "\$2,350,500,000".

On page 2, line 6, insert immediately before the period the following: "Provided, That none of the funds authorized to be appropriated by this Act may be used for the procurement of S-3A aircraft".

On page 3, strike out lines 14 and 15 and insert the following:

"For the Navy (including the Marine Corps), \$1,989,500,000: *Provided*, That none of the funds authorized to be appropriated by this Act may be expended for the research, development, test, and evaluation of the S-3A aircraft."

(Mr. OLSEN asked and was given permission to revise and extend his remarks.)

Mr. BUTTON. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from New York.

(Mr. BUTTON asked and was given permission to revise and extend his remarks.)

Mr. BUTTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Montana. Adoption of the amendment would save the taxpayers more than \$300 million in the next fiscal year and more than \$3 billion in the next decade.

What is proposed amounts to a \$3 billion duplication of programs. The unproven S-3A, a carrier-based antisubmarine warfare aircraft of limited range, serves substantially the same purpose as the Navy's P-3 series of land-based antisubmarine aircraft. The P-3 with its ongoing improvements is adequate for our antisubmarine aircraft needs. It is a larger plane with a greater range, constantly being improved as to range and equipment.

The S-3A is superfluous and repetitive. The land-based aircraft—P-3—has a greater range than the S-3A, and its function—to seek out and destroy enemy submarines in time of war—is the same.

Authorization of funds for the S-3A is certainly not in the best interest of the taxpayers. We would be committed to an overall expenditure of more than \$3 billion merely to procure the planes at a cost of some \$16 million per copy. In addition, to maintain the program once it is fully operational would require \$1 billion annually, at a rate of \$200 million per carrier each year.

The Navy is apparently phasing out the aircraft carriers employed to base the S-3A. In 1965 there were nine of these carriers in use; yet, in this budget, only four are included. At least five such carriers are needed if we are to employ all 193 S-3A's the Navy hopes to procure.

If the sea-based S-3A is so important as to justify a \$3 billion investment, why have we phased out five carriers since 1965?

I would also ask these questions: What vital sealanes does the S-3A cover which cannot be covered by the P-3C? What essential goods would flow over these sealanes during a naval war? What war can be foreseen which would not quickly escalate to the point where seapower would be overridden? Would not all the CVS's, because they operate in sub-infested waters, be exceedingly vulnerable to attack?

Mr. Chairman, the gentleman from Montana has referred to an article in a recent issue of the Washington Post concerning what is described as a secret Pentagon study on the need for aircraft carriers. Although this report limits the discussion to the merit—or rather lack of merit—of conventional aircraft carriers, it is quoted as stating that—

It is cheaper and more effective to use land bases for tactical air operations in areas of the world in which adequate overseas bases are available.

Since we have an effective and new series of land-based antisubmarine aircraft—the P-3—I contend the same argument applies to the Navy's hope of procuring 193 aircraft of the S-3A type. The assumptions made in this report, if accurate, bear out my contention that our land-based P-3 is adequate as an antisubmarine force for purposes of maintaining national security in the 1970's.

Mr. OLSEN. Mr. Chairman, I am offering an amendment to H.R. 17123 to delete both the funds and the authorization for the S-3A antisubmarine aircraft. It is my opinion that this program is a needless waste of the taxpayers' money.

Essentially the S-3A is a carrier-based ASW aircraft whose function is to keep tabs on potential enemy submarines during peace time and to track down and destroy enemy subs during war time. Its mission is the same as the land-based aircraft in the P-3 series.

At a glance it might appear that a carrier-based program would be a welcome adjunct to the land-based aircraft. However deeper inspection raises some very real questions about the cost effectiveness of the S-3A and the overall merits of the carrier-based ASW program.

As a former Navy man I am quite familiar with the vulnerable position of the aircraft carrier during wartime. Quite frankly the carrier is often a sitting duck and with the rapid technological gains made in the development of aircraft and missiles during the last several years the carrier will be far more vulnerable in future wars. The CVS on which the ASW aircraft are based are old ships, in operation for 20 to 25 years. One cannot realistically expect an adequate performance by these ships in a modern war.

Another consideration is that the Navy appears to be phasing out aircraft carrier for sub warfare. In 1965, there were nine of these ships in operation. In fiscal year 1971, only four are planned operational. At least five CVS would be needed to handle the 193 S-3A's that the Navy intends to procure by the end of the decade. The Defense Department, according to an unclassified version of a classified Pentagon report, which I have in my possession at this time, has concluded that the Nation does not need any additional aircraft carriers and could safely cut its present force of 15 to fewer than 12.

The cost-effectiveness of the S-3A has been a matter of concern to just about everyone but the Navy. Secretary Laird, in the fiscal year 1971 defense program and budget report, February 20, 1970, said:

The present ASW carrier (CVS) force, as has been pointed out in past years, is costly to operate in relation to its current overall effectiveness.

Both Secretaries McNamara and Clifford expressed similar misgivings and recommended against proceeding with the S-3A program. The Senate cut \$25 million from the 1970 S-3A appropriation and the House Appropriations Committee cut that same budget by another \$19 million.

The cost to procure the 193 S-3A's the Navy plans call for will amount to over \$3 billion. The cost in fiscal year 1971 alone will be \$309.5 million. The estimated annual cost of operating one CVS fully complemented with S-3A's is \$1 billion. As we all know by experience these estimates are generally too low and the actual price is more often far greater.

Earlier I mentioned the land-based series, the P-3. The latest, the P-3C, currently covers 80 percent of the earth's ocean area and those areas covered by this aircraft are the only ones from which submarine-launched missiles can reach the United States. All vital shipping lanes are protected by the P-3C and the P-3C has a far greater assur-



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ance of finding a place to land once its mission is completed. The P-3 series is constantly being updated and improved and the range of these planes increase continually. To my mind it is a much better investment than the dubious S-3A and other carrier-based ASW aircraft.

What we have in the S-3A is a redundant and expensive program. Clearly we are not justified in spending billions of dollars on something from which we will get little or no return.

An aircraft carrier-based airplane is an absurdity.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. Mr. Chairman, the gentleman from Montana and those who have spoken in support of his amendment and the gentleman from New York (Mr. BURTON), who extended his remarks in the RECORD without taking the floor to speak are somewhat confused about the nature of this particular plane that they are seeking to strike out. This is an antisubmarine warfare plane. This is the plane that we are presently developing to try to respond to the threat, and it is the most dangerous and significant threat that the Soviet Union has posed against us in the past few years, the Soviet submarine-launched missile threat.

In 1965 the Soviet Union had just 25 launchers of missiles from submarines, and those were mostly the cruise type, and had to be fired from the surface. By 1974 they will have from 400 to 500 submarine missile launchers available and these will be of the *Polaris* type, capable of firing while submerged. In fact, the Soviets are building these *Polaris* type submarines at a rate of six to eight per year, and by 1974 they will have more *Polaris* submarines than our present 41. The missiles these submarines can fire can travel from 1,500 to 2,000 miles, and can destroy most American cities.

The only kind of protection we have against this kind of submarine-launched missile threat is through our antisubmarine warfare force.

Now, if you have been noticing the papers, you have noticed the reductions that have gone on in the Navy Department in the past few years. They have been largely at the expense of our defensive naval forces, the antisubmarine force. The Soviet nuclear missile submarine threat is the greatest challenge that we have facing our control of the seas, today, as well as our ability to maintain our economy, and our ability to project American power in other parts of the world without putting soldiers ashore, in line with the provisions of the Nixon doctrine.

So the defense against this submarine threat is the one area where we especially need to modernize our forces. If we do not have a modern antisubmarine warfare plane, we are going to be vulnerable. Our cities are going to be open to attack from thousands of miles out to sea. The gentleman from Montana says, "Well, we have got the P-3." But that is a land-

based plane. That is a wonderful plane, but only if you have the bases available. What if we do not have any bases available? Take a look at the Mediterranean. All of our bases on the southern shore of the Mediterranean have already been denied to us because of the Soviet Union's expansion in North African Arab states.

So what do we do if we do not have bases? Are we going to just leave ourselves vulnerable to the Soviet submarine threat in those areas? Of course not. We must maintain our antisubmarine carrier forces, even though they have been already too severely cut back by budget reductions. And if those forces are to be effective, they need a modern antisubmarine airplane, equipped with the latest in electronic equipment, to fly from those antisubmarine carriers to seek out and defend the American homeland against the menace of a superior Soviet *Polaris* nuclear missile threat.

If the amendment of the gentleman from Montana (Mr. OLSEN) and the gentleman from New York (Mr. BURTON) is adopted we would leave American cities with a woefully inadequate defense against the Soviets' fastest growing threat. And we would be undermining the great work done to combat the Soviet submarine threat by Vice Adm. Hyman G. Rickover. Much of Admiral Rickover's work is carried on in my old home of Schenectady, by the way, by the great General Electric Co., at its Knolls Atomic Power Laboratory in Niskayuna.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. OLSEN).

The amendment was rejected.

Mr. GOLDWATER. Mr. Chairman, to provide for the national defense is one of our constitutional responsibilities. In order to carry this out we in Congress must provide the armed services with the necessary tools and means. The S-3A is one of these essential tools. The S-3A will replace the Navy's aging carrier-based ASW plane. It will provide a modern computerized system to expand the Navy's ASW capability dramatically to meet the growing Soviet submarine threat of the 1970's.

The S-3A is an advanced carrier-based ASW air weapon system providing search, detection, classification, localization, and kill capability against a projected submarine threat for the mid-1970's and beyond.

Formal definition studies began in 1966 and culminated in the issuance of the request for proposal for contract definition study in December 1967. Firm proposals for development and production were submitted in December 1968. Following Navy evaluation, the contract was awarded in August 1969. It included requirements to meet specified technical milestones to be accomplished prior to a production go-ahead decision. All phases of this contract to date are on target. There are no problems with the project. And it not only meets Navy specifications but will surpass them in a few areas. This will be a good airplane and a good addition to our national defense. I urge that the amendment be defeated.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER:

On page 5, between lines 3 and 4, insert the following:

"Sec. 303. (a) No funds authorized herein shall be used to support the assignment of any National Guard unit to duty in connection with any civil disturbance within the United States unless—

"(1) the Governor of the State concerned first applies to the judge of the Federal district court for the district in which such disturbance is occurring or will occur, or for the District of Columbia, and such judge finds (A) that the disturbance is, or will likely be, beyond the capacity of the local authorities to control; and (B) that there is probable reason to believe that individuals involved, or who will likely be involved, in such disturbance are armed with firearms or explosive weapons; and

"(2) such National Guard unit has had special training in riot control.

"(b) Any officer of the National Guard who authorizes the assignment of any National Guard unit in violation of subsection (a) shall be fined not more than \$10,000, or imprisoned not more than ten years, or both."

Mr. OTTINGER. Mr. Chairman, we have just witnessed a terrible national tragedy that occurred on the campus of Kent State College in Ohio. The Governor called in the National Guard units to quell a student demonstration against the war, and those guard units apparently panicked and killed four students.

At least one of the students killed apparently was not even involved in the demonstration. She was just passing by. So far as we can ascertain, all four of the students were not bomb throwers, and they were not radicals of any kind, but were good, upstanding American youth who merely disagreed with the administration war policies.

We have to do something to prevent this kind of tragedy in the future and exercise more control over the assignment of inexperienced and, I think in this case, ill-trained National Guard units in this kind of situation.

I do not think the National Guard soldiers involved had any intent to kill young students. I certainly hope that they did not. But what appears to have happened is that they panicked and in the course of the fray, they turned and shot at students indiscriminately. The tragedy that followed is distinctly avoidable and should be avoided in the future.

The amendment would insure that the National Guard could be used in a civil disturbance only upon the permission of a Federal district judge. The judge would first have to determine if the disorder was "beyond the capacity of the local authorities" to control, and that those involved in the disturbance were, in fact, armed with firearms or explosives. Also the National Guard, prior to assignment to a civil disturbance, would have to be specially trained in riot control.

Some impartial authority must check the indiscriminate use of the National Guard against those who wish to dissent in our society. What happened at Kent, Ohio, on Monday is a national disgrace



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and the trigger tactics of the National Guard must never again be allowed to occur.

President Nixon's unconstitutional war policy in Indochina and his labeling of college students as "bums" were deliberate actions which have polarized this country. President Nixon tells us that violence invites tragedy, but the ultimate violence in Ohio came not from the protesting students who burned the ROTC headquarters at Kent State but from the rifle barrels of the National Guard, who killed four unarmed students.

The major responsibility for the violent divisions in this country must rest with President Nixon. The President and his echo, Mr. AGNEW, tell us that more violence will occur and then act to encourage this violence both at home and abroad. Such self-fulfilling prophecies serve no constructive purpose in time of national crisis.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I commend the gentleman for bringing this matter before the committee and I am happy to support his amendment.

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Chairman, actually what this amendment does is to say that the Governor in the State goes to a Federal judge in that district court where the disturbance is or he comes to Washington to the district court here and gets the judge's permission to call the Guard. The judge decides whether there is a real disturbance and then gives the Governor permission to order the Guard.

Mr. Chairman, this is a very dangerous amendment.

What you would be doing is taking the complete authority away from the Governor of the State to control the National Guard.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. RIVERS. Mr. Chairman, there is no question but that this amendment is subject to a point of order because it is not germane.

We are dealing with something else and this amendment is not germane. The bill has nothing to do with the subject of this amendment.

Furthermore, this amendment would call for interfering with the powers of the Governor.

Furthermore, there is some question about the constitutionality of it, but positively it is not germane and I would stake my life on that.

Mr. MONTGOMERY. I think the chairman is absolutely right.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. BRAY. Mr. Chairman, there is no

question that this amendment is not germane, but that point was not raised in sufficient time.

At the present time with the great violence, to try to prevent law and order, is to me the kindest words that you can say about it.

It is absurd.

At this time everyone regrets what happened at Kent University. I am not certain what happened.

I do not know that anyone in this room is. But we do know that such a restraint imposed upon the Government and the President also in the matter of calling out the National Guard and federalizing them would be catastrophic. It would encourage more and more violence.

While we are talking on this subject, I point out that in relation to the conduct of guardsmen, when students come out and throw rocks at policemen and guardsmen, throw firebombs, and attempt to bring anarchy, we ought to do a little something about it. The action that the amendment would authorize would be most disastrous, the most disastrous thing we could do to encourage violence.

Mr. MONTGOMERY. Certainly what happened at Kent College is sad. However, since the 4th of May 1969, the National Guard has been called out 67 times in 26 separate States on civil disturbances, and this is the first time we have had any tragedies. There was complete violence on this campus or the Governor would not have called out the Guard in the first place. Let us not judge too quickly what happened at Kent College.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. I think the sin of this amendment is that we are judging the presence of guilt before there has been any evidence in the form of proof. The salvation of this Nation has been our law that one is innocent until proven guilty. So far as I know, there has been no proof that the bullets involved in this disaster came from National Guard rifles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD:

On page 2, strike out lines 12 through 19, inclusive, and insert the following:

"For naval vessels: for the Navy, \$2,861,900,000, of which \$600,000,000 is authorized to be appropriated only for expenditure in naval shipyards: *Provided*, That none of the funds authorized to be appropriated by this Act may be used for the procurement of the nuclear attack aircraft carrier designated as CVAN-70; *Provided further*, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least two different United States shipbuilders."

Mr. MOORHEAD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized in support of his amendment.

Mr. MOORHEAD. Mr. Chairman, the purpose of this amendment is to eliminate the long leadtime funds in the amount of \$152 million for the new nuclear attack carrier designed as CVAN-70.

Mr. Chairman, the present superiority of the United States in attack aircraft carriers over the Communist nations is 15 to 0. The Communist nations do not now have a single attack carrier in their entire fleet.

Mr. Chairman, a secret Pentagon study reported in The Washington Post of April 30, 1970, included an exhaustive analysis of cost effectiveness of aircraft carriers. This report demonstrated that attack carriers are a very expensive means of providing tactical air support, and the study finally concludes that a superiority of 12 to 0, not 15 to 0, but 12 to 0 over the Communist nations can adequately provide a balanced, adequate force in the foreseeable future.

Mr. STRATTON. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORHEAD. I am delighted to yield to the gentleman from New York.

Mr. STRATTON. The study to which the gentleman referred in the Washington Post I read also. Did not the study say that the tactical ground-based air power was more cost-effective when bases were available. But what does the gentleman propose we do when those bases are not available?

Mr. MOORHEAD. It stated that it was more cost-effective either when the bases were available or when using the bare base procedure with which the Air Force can establish a base very promptly. It concluded that with 12 aircraft carriers to 0, this was a sufficient number of aircraft carriers when, as, and if an air base was not available.

DECISION ON A NEW CARRIER CAN BE DEFERRED TO 1975

By 1976 the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the *Midway*—until 1980. Given the 5-year leadtime required to build an attack carrier, it will therefore not be necessary to fund the *Midway's* replacement until fiscal year 1975.

ATTACK CARRIERS ARE BECOMING OBSOLETE EXCEPT IN LIMITED SITUATIONS

Surface vessels are becoming increasingly vulnerable to attacks by submarines and the various missiles that already have been developed. The Soviet built Styx missile already has proved its effectiveness in the Arab-Israeli conflict in the sinking of the *Elath*. However, the Styx is obsolete compared to the coming generation of Soviet missiles. According to the Chicago Daily News on April 2 of this year, the Soviet Union is developing a new missile that has a

range in excess of the Styx and which can more successfully evade our own surface to air missiles. Carriers will undoubtedly be even more vulnerable when these new weapons are deployed.

With more and more nations becoming advanced to the point of having similar missiles within their defensive capabilities, there are fewer and fewer nations against which the carrier becomes part of an effective tactical weapon system.

The carrier's role, then, is rapidly being limited to provide tactical air support in wars against nations with unsophisticated defenses; tactical air support in wars of counterinsurgency when the insurgents are not adequately armed; and a deterrent "presence" in times of near war.

ATTACK CARRIERS ARE AN EXPENSIVE WAY TO PROVIDE TACTICAL AIR SUPPORT EVEN IN LIMITED SITUATIONS

Considering the limited role to which the carrier is being relegated by advances in weaponry, it is a fantastically expensive weapon. Each carrier travels with an escort of four destroyers. Together, these ships cost \$2 billion—not including airplane costs and operating costs. Operating costs amount to another \$400 to \$500 million per year for each attack carrier task force.

In addition to the air support provided from the existing 15 carriers, tactical air support can be provided, and more economically, by land-based aircraft. There are 685 airfields outside the United States with runways longer than 8,000 feet. There are an additional 1,036 airfields whose runways are between 5,000 and 8,000 feet. If none of these 1,700 land air bases are adequate, the Air Force can quickly build one at a cost of \$50 to \$60 million, instead of shipping in a \$2 billion, mobile air base.

JOINT SUBCOMMITTEE REPORT ON CVAN-70  
AIRCRAFT CARRIER

A special joint subcommittee of the Armed Services Committees was established by the 1970 military procurement authorization bill. The subcommittee was to study the relative cost-effectiveness of sea-based tactical air. They concluded there is "as yet no acceptable formula" for such a determination. The law also called for a review of the present carrier force level. Again they concluded that they were "unable to resolve the question of the number of carriers" needed by the end of the decade. Yet, the subcommittee's inability to resolve these basic and crucial questions did not prevent it from "strongly recommending" the funding of CVAN-70 in fiscal year 1971. The subcommittee can provide the Congress no rational reasons why we should fund an additional carrier at this time. At the same time there are many cogent reasons why we should defer approval of the CVAN-70.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. BENNETT asked and was given permission to revise and extend his remarks.)

Mr. BENNETT. Mr. Chairman, I had the privilege of being on a committee which was set up in the last Congress, by law, with membership from the Senate and the House, to study the CVAN-70. We spent weeks and weeks and weeks of study. As a result, we came to the conclusion which was practically unanimous—there was one dissenting vote and it was not on the fact that we ought to have modern carriers—but the committee recommended vigorously that this carrier be started and pointed out that it would cost more money if we did not do it now and that even if we reduced the number of carriers, we ought to have a more modern carrier. They evaluated the factor of cost effectiveness, and the Joint Chiefs of Staff said there was no firm showing that there was any saving whatsoever in the land based approach.

This report referred to by the previous speaker which was in the Washington Post, is highly inaccurate.

Mr. RIVERS. Mr. Chairman, this would about destroy the military and we would be gone tomorrow, and so is the fellow who wrote this—which has been discredited.

The study mentioned by the preceding speaker and described in the Washington Post last Thursday morning appears only to be another surfacing of this totally discredited study. There has been nothing secret about the existence of this study, nor of its conclusion suggesting a 12 carrier force.

The joint House-Senate subcommittee tried to find its author, Mr. Rosenzweig, to talk to him and have him testify. Was he at the Department of Defense where the original study was made? No; he had left there. Was he at Brookings Institute where he again tried to publish the study? No; he had been let go from there. We tried to reach him at his home but found he was at some unlocatable place on the west coast and unavailable.

This study was so full of holes that it was shot down and completely rejected by the Department of Defense. It was so flawed that Brookings refused to publish it. The Washington Post published it as a mysterious new discovery at a time when it could not be replied to before the issue is settled in the House.

What are some of the flaws? The study assumes that air-based power and sea-based power are used identically, whereas, there is a unique capability in sea-based power.

The study assumes that there will be plenty of C-5A's available to bring in the so-called bare-based kit. But only last week the same opponents rose to attempt to knock out funds for the C-5A's and in effect kill that line.

The report assumes that the fuel for these land-based planes will come in over the seas yet it does not include any cost for the maintenance of our superiority at sea.

The situation is summed up best by General Wheeler when he said:

Now, this is an extremely complex problem and the reason it is complex is that you first have to calculate what you are going to charge off against the cost of land-based tactical air versus what you charge

off against sea-based tactical air. And depending upon what you charge off, you come up with these varying figures.

I must say that I don't regard any of these studies myself as being definitive and they certainly are now convincing to me as a basis for making a judgment as to the need for sea-based tactical air.

The study paper, which the Washington Post referred to, is not an official Department of Defense document or even an approved systems analysis paper. It was rejected by the Department for its errors. Neither has it ever been issued nor approved by Brookings Institute. Its concept was rejected by the special joint House-Senate subcommittee and by the House Armed Services Committee.

Mr. BENNETT. Mr. Chairman, I talked to a number of people the other day, who are highly credible people in the military, about the ships we ought to have in this bill. They said that above all things we should retain this carrier, because this is a large item and it takes years and years to build. Some of the smaller craft can be built over a short period of time, and we might make do with whatever facilities we have available, but we cannot make do without this carrier in the long-range picture.

It costs more money, the more years we take to start constructing it. This can be done now relatively economically since we have just built a similar carrier and are in the process of building a similar carrier. But if we wait a year or two, the cost will accelerate greatly. It would be a very unwise item to turn down, this item. Of all items in this bill, this is probably the most vital to our national defense.

Mr. Chairman, I include at this point testimony of Congressman MOORHEAD before our committee and the responses from the Navy on points raised:

TESTIMONY OF CONGRESSMAN WILLIAM S. MOORHEAD BEFORE THE JOINT COMMITTEE OF THE HOUSE AND SENATE ARMED SERVICES COMMITTEES STUDYING THE FUTURE ROLE OF ATTACK CARRIERS, APRIL 8, 1970

Mr. Chairman, as a former officer in an attack carrier task force in the Pacific during World War II, I appreciate this opportunity to appear before this Special Joint Committee to raise some questions about the future role of attack carriers.

The issue to be determined by this Committee, it would seem to me, is not whether we need any carriers now for I know of few people who would challenge the need for some carriers. Instead, it would appear that what needs to be brought out, discussed and, hopefully, answered is:

1. How many attack carriers do we need now, in five years or in ten years to supply the defensive needs of the country?
2. Can part of the tactical air support mission of the attack carriers be provided more economically by land based aircraft?
3. And finally, is the mission of the carrier in the long term being eroded by increasing technology causing increased vulnerability to the point where the Navy ought to give serious consideration to placing its primary emphasis on up-grading its capability in areas other than attack carriers?

As you are aware, an answer to the first question is imperative if we in Congress are to fulfill our constitutional role of providing for the common defense. Since none of the Communist nations have any attack aircraft carriers, nor apparently have any intention of building any attack carriers the question

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is whether the present superiority of 15 to 0 in aircraft carriers should be maintained or increased or whether that absolute superiority of 15 to 0 might be reduced to, say, 12 to 0.

Although we should not necessarily size our carrier forces to correspond to Soviet forces, it may be useful to look at what the Soviet Union is doing—especially since so many of our military plans in other categories of defense are based on parity with the Russians. The Soviets are building missile cruisers, missile destroyers, high-speed missile boats, nuclear subs and attack subs—but no attack carriers.

#### Comment

This emphasis in Soviet shipbuilding does not support a thesis limiting the value of attack carriers. The principal reason that the Soviets do not have attack carriers in their fleet is a matter of relative priorities within their national strategy. The USSR, centered in the Eurasian land mass, is surrounded by her allies. In fact, Russia has military treaties with only two nations not sharing a common border with her. Russia considers the United States her primary adversary and NATO the primary threat to the USSR as the principal impediment to her domination of Europe. The Soviets recognize that the national strategy of the United States is overseas oriented. We have only two international borders. Our military strategy depends upon overseas alliances. 43 of the 45 nations with which we have treaties are overseas. The bulk of material support of these allies must still be carrier by sea. Despite the spectacular advances in air travel in recent years, 97% of all of the support for Vietnam has gone by ship. It is clearly evident that our security depends upon the continued free use of the seas.

The attack carrier force of the U.S. Navy is the principal component through which we assure ourselves the continued free use of the seas in the pursuit of our national objectives. This is because the attack carrier represents air power at sea, and history has conclusively demonstrated that naval surface forces cannot survive in the face of a determined air threat without local air superiority. Russia's naval strategy therefore is primarily designed to interdict the vital overseas lifelines of the western powers, the links between the United States and the rest of NATO. Although previous Soviet Navy commanders-in-chief have stated that the Soviet Union intended to construct a carrier fleet, the first priority has gone to the construction of a massive force of submarines and guided missile ships, the stated mission of which is to oppose the U.S. Navy's attack carrier fleet.

The Russians are building carriers, relatively small but very modern, and are learning the technology of carriers. Large attack carriers are extremely complex. There is only one shipyard in the world today which can construct a nuclear powered attack carrier. The Russians are becoming knowledgeable in carrier operations and are developing their industrial capacity for carrier construction.

In summary, a combination of the strategic implications of geography and the proximity of her satellites has thus far dictated a Russian naval strategy of interdiction vice control of the seas. Under these circumstances, the capability for modern attack carrier construction and operation has not been developed.

#### Statement

However, the Navy has estimated that 40 percent of its budget goes to maintaining the carrier fleet.

#### Comment

The most recent analysis of the percentage of the total Navy budget consumed by the attack carrier force has been conducted in connection with the joint Navy-Air Force ad hoc study group convened by the Secretary

of Defense to determine the relative cost of land based and sea based air. The Navy Staff study on relative costs, which is based on the cost data developed by the Joint Study Group shows:

"From 1962 to 1969 the average cost of sea based tactical air, which includes the procurement, direct and indirect operating costs of attack carriers, their air wings and all supporting facilities amounted to \$3.8 billion per year or 21.3% of the average Navy budget over that period."

#### Statement

In terms of national priorities it is instructive to point out that we spend more than twice as much (over \$400 million) on operating costs of the 15th carrier task force for one year than we spent for water pollution control programs last year.

#### THE STATE OF OUR PRESENT CARRIER FORCE

The answer to the question of whether we should build additional aircraft carriers at this time depends on:

1. The number of CVAs we want to operate in the late 1970's; and
2. The number of CVAs we currently have which will be both seaworthy and capable of operating the modern tactical aircraft in the late 1970's.

At present we have nine modern aircraft carriers; eight *Forrestal* class ships which have been commissioned since 1955 and the nuclear-powered *Enterprise* which was commissioned in 1961. In addition, two new nuclear-powered carriers have been funded by the Congress. The *Nimitz*, which was funded in FY 67, will enter the fleet in 1972 and the *Eisenhower*, which was funded in FY 68-70, will enter the fleet in 1974.

In addition to these 11 ships, there are 3 *Midway* class carriers. These ships, which were commissioned in 1945-1947, have received extensive modernization since that time. The *Midway*, which is currently undergoing a \$200 million modernization program, will be recommissioned this year. After modernization it will be able to operate all of the modern aircraft envisioned for the Navy for at least the next decade.

#### Comment

When the *CVAN-70* joins the fleet in 1977, the *Midway* will then be 32 years old. We have never operated a carrier past an age of 27 years. The *Midway*'s equipment and installations were renewed during modernization to permit the more effective operation of modern aircraft, but the hull, main machinery, and basic design will be 32 years old. *Midway* will be approaching the end of her useful life. On the other hand, the *CVAN-70* will represent the most modern ship design and will be able to operate the most advanced models of tactical aircraft at their most effective capabilities.

#### Statement

Thus it should be serviceable for at least 10 more years. The *Coral Sea* received an extensive modernization from 1956-1960 and the *Roosevelt* was modernized from 1953-1956. These ships can operate all of the current aircraft except the RA-5C. They will be able to operate all of the Navy aircraft currently under development; including the F-14 fighter.

Finally, there are 5 modified *Essex* class carriers. These are smaller ships which, with the exception of the *Oriskany*, were commissioned during World War II. They cannot operate the modern F-4 fighters or the RA-5 reconnaissance aircraft.

It is difficult to determine the age at which we should replace CVAs. The answer depends on the cost to keep the ships seaworthy and the extent to which they can operate the modern aircraft. While the Navy has indicated that the carriers have a nominal life of 30 years, there are many ships now in service which are substantially older than this. Without going into this issue any further, however, we can draw the following

conclusions regarding the need for additional CVA construction:

1. There are 11 ships that will be serviceable well into the 1980's and at least one other (the *Midway*) that will be satisfactory until at least 1980. Since it takes about 5 years to build a CVA, we do not have to fund additional carriers until at least 1975 unless we want to operate more than 12 CVAs in the late 1970's.

2. If we want to operate more than 12 CVAs in the late 1970's, we must decide now on a replacement schedule for the *Midway* and *Essex* class carriers.

#### Comment

CVAN-70 is required to maintain the modernity and capability of the carrier force regardless of any attack carrier force level decision. In fact, the *Nimitz* class carriers become even more vital if the Navy is required to operate a smaller carrier force. If a reduction in force level is made, it should be done by retiring older carriers in the fleet; six of the Navy's fifteen attack carriers were launched during or shortly after World War II.

With a twelve attack carrier force level, when the *CVAN-70* joins the fleet in 1977 it will replace the aging, World War II designed *Midway*. Although extensively modernized, the limitations of size, age and aviation facilities available in the then 32-year-old *Midway* will make that ship less than one-third as capable as the *Nimitz* class even without taking into account the advantages of nuclear propulsion.

To keep the attack carrier force modern a continuing infusion of new ships is required. Within a fifteen attack carrier force level, for example, the construction of a new carrier every other year means that attack carriers will reach an age of 30 years before they are replaced—the nominal maximum useful life of a carrier. Even with a force level as low as 12, it would be necessary to build a new carrier every 2½ years to replace the carriers when they become 30 years old.

The three *Nimitz* class carriers, *CVAN-68*, *CVAN-69*, and *CVAN-70*, are the only carriers authorized or planned from fiscal year 1964 through 1974, a period of 11 years; this will average out to but one new carrier every 3½ years.

#### Statement

With this basic equation involving total size of the fleet and age as background, I would like to explore certain factors which ought to be considered in determining the size of the carrier fleet.

#### THE ROLE OF ATTACK CARRIERS

The role of the carrier can be roughly separated into three parts which I present in order of ease of justification: 1) providing "presence" in time of crisis but when no overt hostile action has occurred; 2) providing tactical air support in major but limited engagements such as Vietnam and Korea; and 3) some potential role in the event of an all-out conflict with the Soviet Union.

#### Comment

The role of the carrier as envisioned in the above paragraph as being comprised of "... three parts ..." in order of ease of justification "places undue emphasis on the *Collateral* rather than the primary function and mission of the carrier and of the Navy. At the outset, it should be made clear that "providing presence", listed first in describing the role of the carrier, is part of the collateral (not the primary) mission of the carrier. Providing tactical air support, listed second, likewise is part of the carrier's collateral mission. Department of Defense Directive 6100.1 clearly lists the primary and collateral functions of the Navy, and the carrier is the principal instrument through which these functions are discharged.

The primary function of the United States Navy and thus the primary mission of the carrier is to gain and maintain general naval



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supremacy, to control vital sea areas, to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign; in short, to gain, maintain, and exploit control of the seas and the air over the seas, in support of our national objectives. Control of the sea is vital to our national security. This nation's military strategy is predicated on a forward posture, with critical reliance placed upon our overseas allies and our own forward deployed forces. Of the 43 countries involved in treaties with the United States, 41 are overseas nations. There is no current plan for overseas military operations of tactical ground or air forces which does not depend upon our free use of the seas. In Vietnam to date 97% of the supplies have gone by sea. Unless we can assure ourselves continued free use of the seas against the most determined and capable potential opposition, our entire politico-military posture loses its credibility.

The collateral function of the Navy, and hence the collateral mission of the carrier is to interdict enemy land airpower and communications through operations at sea, and to conduct close air and naval support for land operations. The carrier carries out this role by operating within tactical air radius of the objective area on a sustained basis, and projecting its striking power over land by means of its aircraft. Local sea and air supremacy are required to permit the carrier to devote a high percentage of sorties to the tactical air mission. The carrier must first gain control of the sea and airspace operating area with its aircraft, and then use this operating sector to project its striking power inland.

#### Statement

Additionally, the Navy has indicated that attack carriers are necessary to ensure continuing freedom of the seas in the face of a growing Soviet naval threat. Each of these roles or missions is somewhat different and ought to be explored separately.

#### TO PROVIDE A PRESENCE

The first mission, that is, providing presence in time of crisis but when no hostile action takes place, is perhaps the most difficult to assess. In this situation the carrier is presumed to act as a deterrent. Yet as in any case where hostile action is prevented by presence, no one—probably even the potential enemy—can say what factor tips the balance in favor of deterring aggression. Carriers undoubtedly assist. But so do our strategic bombers and our potential for rapidly deploying land forces and land based aircraft.

#### Comment

For presence or show of force to be effective, it must be credible. That is, the opponent must realize that if he does not back down, the threatening force will defeat him. Then, too, the deterrent force must be capable of carrying out its threat because the enemy may call the bluff. Therefore, a deterrent force must have the clear capability to prevail in the specific situation. The attack carrier with its demonstrated ability to project its striking power for more than 600 miles, and its nuclear potential, represents the most versatile and powerful single weapon systems in our arsenal. When attack carriers make a show of force, there is no mistaking their presence nor the national resolve that put them in position.

The precise control which can be exercised at the highest level of national command allows the carrier to be inserted into the military or politico-military situation to the degree desired. It can be a visible presence if required, yet not actually intrude into the sovereign territory of other nations. On the

other hand, troops or land-based air power must be committed, possibly to later represent an irrevocable and sometimes embarrassing U.S. obligation to remain on foreign soil. Likewise, withdrawal of U.S. land based units often requires, as a political prerequisite, the accord of the country in which the units were based. Carriers can be withdrawn at the will of the United States.

While bombers or airborne troops on strip alert at home may, with proper enroute logistical support and prepositioned stocks of fuel and other war material, be effective fighting forces to respond in emergencies overseas, their value in deterring aggression is questionable. Troops and aircraft at home are not visible deterrents; the carrier can be, when the situation so demands.

The Polaris submarine is our principal sea-going nuclear deterrent, but like the strategic bomber, it is strictly a strategic deterrent to retaliate in the event of a nuclear attack. A nuclear deterrent is not necessarily effective against limited war threats. The conventional power of the carrier provides the flexible response which can serve as a deterrent in situations below the threshold of general war.

#### Statement

Last year during the Congressional debate it was cited that since 1945 our carrier forces had been engaged in more than 50 of these incidents throughout the world. Assuming an average level of 15 carrier task forces during this period, this averages out to a cost of about \$2 billion per incident. I think that even the Navy would agree that \$2 billion per incident is a pretty steep price tag. The fact of the matter is that "providing presence" is an imponderable. It is doubtful if so many of our carriers could be justified if all they did was to provide presence. Furthermore, "presence" could have been provided with a reduced total carrier force.

#### Comment

Justification of carriers for "providing presence" is indeed an imponderable; equally imponderable is the role of the carrier in preventing small incidents from growing to war-sized proportions. We will never know, of course, how much the carrier has influenced the main course of history, but we do know that after appearance of the carriers in threatening situations such as that in the Taiwan Straits in the 1950's, a potential enemy changed his tactics in apparent response to the presence of attack carriers.

Since World War II, we have had war or threats of war, and during 9 of the past 25 years we have been engaged in actual fighting in overseas areas. We have used our carriers effectively in these wars as well as to provide presence to prevent other wars. The cost of the carrier in relation to the cost of the war it may have prevented cannot be calculated realistically, but the statement above, that the carrier's presence "averages out to a cost of about \$2 billion per incident," is also an unrealistic calculation.

#### COST OF LAND BASED VERSUS SEA BASED TACTICAL AIR SUPPORT

#### Statement

The main mission of the carrier fleet in the past 25 years has been to provide tactical air support first during the Korean conflict and of late in the Southeast Asian war.

#### Comment

The fact that in the last two wars, Vietnam and Korea, there was no Naval opposition has permitted the Navy to devote its entire tactical air effort to its collateral mission, participation in the land battle. In recent years this has resulted in primary attention being focused on this single part of the broad capability of sea based air.

It should be noted that the primary mission of sea based air is to contribute to the control of the sea and the air over the sea. There is no valid strategy involving the employment of our army or air forces over-

seas that does not assume that this control is going to be established and maintained. This mission cannot be performed by land based air.

#### Statement

The carrier has augmented our land-based aircraft. The questions raised in this regard deal with the relative cost of land based tactical air support vis-a-vis carrier based tactical air power.

Much of what follows is gleaned from a well documented paper entitled "Aircraft Carriers—Should We Build More?" prepared by Mr. Herbert Rosenzweig formerly of the OSD office of Systems Analysis and from notes taken in a seminar conducted by Mr. Rosenzweig at the Brookings Institution and attended by a member of my staff.

#### Comment

The 1968, '69 and '70 versions of the Herbert Rosenzweig study on the relative cost and effectiveness of land and sea based tactical air were never accepted as official positions, either by OSD(SA), his former employer, or by the Brookings Institution, his present employer.

Mr. Rosenzweig first produced his TACAIR cost and requirements study in 1968, when he was with OSD(SA), under Dr. Alain Enthoven. This draft, provided unofficially to the Navy and Air Force for review and comment, contended that sea-based air was 2.5 to 3.6 times as expensive as land-based air. Navy reviewers pointed out invalid assumptions and basic errors in logic, concept, facts, and costing. In the critique of the study attended by the Secretary of the Navy and Dr. Enthoven's principal deputy, it was agreed that the draft was inadequate and it was withdrawn without having received the status of an OSD approved document. The draft paper had recommended a CVA force level of 12; the Secretary of Defense decided to maintain the CVA level at 15.

OSD(SA) circulated essentially the same basic study in the spring of 1969 for comment. This study reflected a reduced ratio of 1.4 to 1 for costs of sea versus land based TACAIR, but Navy's critique again pointed out gross and detailed errors. Again OSD did not approve the study. The CVA force level remained at 15.

Under Brookings Institution sponsorship, he has prepared a 1970 study which is once more essentially a repeat of previous studies, with the same basic faults. He has presented a briefing of the study to a seminar at Brookings, however Brookings has not endorsed the work to date.

#### Statement

From these and other sources I would conclude:

1. A land based air wing costs \$165 million less per year to operate than a carrier based wing provided no air-lift support is required.

#### Comment

A Navy staff analysis of the Relative Cost of sea-based and land-based tactical air has been conducted using cost analyses from a joint ad hoc committee formed by request of the Deputy Secretary of Defense in May 1969 to derive a common methodology for costing land-based and sea-based systems.

The relative cost of sea-based/land-based tactical air forces (TACAIR) was determined by comparison of historical direct mission dedicated and allocated costs attributed to each system on the basis of cost per air wing, squadron and Authorized Aircraft Inventory (AAI) aircraft.

Navy Total Obligational Authority (TOA) for mission categories from 1962 to 1969 were determined by study of line item by line item of all direct and supporting costs from the entire Navy budget that could be attributed to the Navy missions including TACAIR. 100% of the Navy budget dollars were identified with various mission categories.

Air Force TACAIR costs were not available



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in detail comparable to the Navy cost analysis. The Air Force provided a breakdown of the Air Force budgets which allocated only 75% of Air Force budget dollars by mission categories, including TACAIR.

The average ratios of cost for the period 1962 to 1969 were determined to be as follows:

	AF/Navy
Per air wing-----	1.2
Per squadron-----	1.5
Per aircraft (AAI)-----	1.3

*Statement*

In such a case the land based wings can be deployed almost as quickly as carrier based wings.

*Comment*

Mr. Rosenzweig's analysis of the average deployment time for the 7th, or incremental CVA, is misleading and ignores the following:

a. CVA force levels are based on a worldwide scenario which means that even though they may be deployed in response to a contingency in one ocean, the CVAs in the other ocean are generally held in reserve for emergencies in their own ocean.

b. Our national strategy, assumes and we may normally expect, strategic warning for any contingency of such a magnitude that major forces should be alerted and deployed. One of the major advantages of the CVA is that it can be deployed at the first hint of strategic warning and does not have to wait out the diplomatic maneuvering. This will usually reduce CVA reaction/response time to near zero.

c. Quick response time loses its significance after a few days. We have seen historically the importance of countering an aggressive thrust within the first five days. Since we maximize the inherent utility of the CVA by maintaining one-third of the force forward deployed in "peacetime," the response time impact of the incremental carrier is that one-third more CVA could be in position to react within the critical early days of a contingency.

The mobility of the carriers permits concentration of sea-based airpower to the degree required by the task at hand. They can be moved any place on 70% of the earth's surface covered by international waters, without any international agreements or basing rights, at a rate of more than 600 miles a day and at speeds up to 30 knots.

All carriers in deployed status are maintained in a high state of material and personnel readiness as a quick-reaction, combat capable force available in an objective area of potential crisis. This includes those carriers forward deployed with the Sixth and Seventh Fleets and those assigned to the First and Second Fleets where they are available to reinforce the forward deployed forces or respond to contingencies in areas not covered by the forward deployed forces.

The number of carriers which can be deployed out of the total force depends upon the national military posture. Under mobilization conditions corresponding to an all-out declared war, up to 99% of the carrier force can be maintained in a deployed status. At the height of the Pacific operations in WW II, approximately 85% of the carrier force was maintained at sea. Without mobilization and with peacetime personnel policies and funding, about 50% of the fleet can be kept deployed in a surge effort when required in case of a minor war such as Southeast Asia. From March 1965 to July 1969, seven attack carriers were maintained in a forward deployed status (two in the Sixth Fleet and five in the Seventh Fleet). Currently six attack carriers are maintained in forward deployed status. From a peacetime operating posture, the reaction response potential of the carrier force is substantial. About 75% of all our carriers are either at sea or immediately ready to go to sea and most of the remainder can be deployed on short notice.

*Statement*

2. If airlift is provided to support the land-based wing and bare base kits are prepositioned in Europe, Southeast Asia and Korea, the land-based wing is still \$120 million per year less than the carrier equivalent. In such a case the land based wing could be deployed as fast as the fastest possible carrier deployment.

*Comment*

The Air Force does not identify a kit method of quick construction of land bases. However, they are placing great emphasis on the capability to respond rapidly and economically to a variety of situations worldwide. This capability is outlined in a plan which provides for an Air Force package. This package includes five fighter squadrons of aircraft which would be deployed to an overseas complex of three bases. To support this overseas tactical fighter package requires an initial lift of 6,747 personnel, a cargo of 7,232 short tons, and 1,572 vehicles. The daily resupply requirements are specified as being a total of 3,222 tons. That is over 3,000 tons per day of combat consumables.

With this great requirement for logistic support, the Navy is required to provide transportation for ordnance and fuel. Any consideration of attempting to supply 3,000 tons per day of combat consumables by air would require large numbers of expensive logistics aircraft. 109 C-5s would be required to supply this level from the United States to Southeast Asia. From the United States to the Middle East, with en route stops permitted by foreign governments, would require 76 C-5s, and in case we were moving to the Middle East and were denied either overflight or landing rights, the number would double. 152 C-5s would be required. This points out the necessity for moving such great bulks of combat consumables by sea and the requirement to protect these sea lines of communication. Notwithstanding the formidable logistic problems involved in such a plan, the Air Force is developing the capability for rapid deployment to "bare bases" and they are looking forward to using it where air strips exist and if there is a potable water supply available. However, even assuming the existence of adequately sized airfields, the "bare base kit" concept requires the establishment of the logistic support necessary for modern aircraft—not only the combat consumables but also all of the test equipment, tools, and the living facilities for the personnel.

Permission to establish the base must be secured from the sovereign nation where the strip is located. The only bases we have specific permission to use are those in which we already have a certain number of personnel situated. Lastly, one other most important factor is protection of the base. In establishing a base in a combat environment, one must be assured that it is not going to be taken under fire or captured soon after it is established.

*Statement*

3. In short term conflicts, carrier based and land based aircraft experience approximately equal sortie rates. As the term of the operation lengthens, the overall sortie rate and hence the effectiveness of land based aircraft is from 30% to 100% greater than carrier based aircraft.

*Comment*

A land-based wing and a carrier based wing, using recent data experience in Vietnam, have been shown to generate sorties at about the same rate.

*Statement*

4. Carrier based aircraft would be more vulnerable to enemy action in a Central European war than land based aircraft. In Southeast Asia, Korea and other areas of the world, the vulnerability is significantly lower than in the Mediterranean and North

Sea and, therefore, in these areas vulnerability should not be as serious a factor in the choice between land based and sea based aircraft.

*Comment*

Vulnerability to enemy attack should indeed be a major factor in choosing between the two modes of operations.

First, it is clear at the outset that the vulnerability of sea-basing tactical air can be as great as that of land-based tactical air if and only if direct conflict with Soviet forces is involved. Other nations such as North Korea, the UAR, and Communist China have forces capable of inflicting damage on a single carrier and its escorts, but only the Soviet Union maintains forces which might be able to seriously threaten a concentration of carrier strength.

Second, the mobility and defense in depth characteristics of a carrier task force increases its survivability over that of fixed installations. For example, the attack carrier's aircraft greatly outrange even the most advanced Soviet cruise missile. And against ICBM attack, the attack carrier, in contrast to cities, industrial complexes, and other fixed installations is virtually immune to pre-targeting.

*Statement*

5. There are more than enough land bases in Europe to meet our needs. In the North Asian theater, we can operate 1,200 fighter/attack aircraft from bases in Korea, Japan and Okinawa. Differing assessments of the needs of another Korean-type conflict range from 500-1,200 aircraft for tactical support. In southeast Asia, we have more than enough land bases to meet all of our tactical air needs.

*Comment*

There are not enough bases today in Vietnam to provide full tactical air support for that war even after the extensive base building program. The carriers are still there.

*Statement*

In other areas of the world such as Africa or South America our needs are likely to be quite small—probably no more than a few wings of tactical aircraft. The Middle East and the southern flank of Europe presents a difficult problem.

*Comment*

Although there are a few bases in these areas, the reliability of these bases, and their useability when we need them may be questionable. On at least one occasion, the denial of even emergency use of a base in a supposedly friendly country for the protection of U.S. nationals in a third country severely constrained our actions. Similarly, suspension of landing and overflight rights by a country which has been our staunch ally severely complicated deployment of land-based tactical air forces.

The only threat of significance to U.S. Naval forces in the Mediterranean is that posed by the Soviets. It is true that our forces could encounter Soviet arms in the hands of bloc forces, however, their capability is very limited. Since the anti-ship missile threat is considered by some to be of prime concern, it may be useful to analyze the orders of battle of potential limited war enemies in the Mediterranean:

(1) Nuclear powered attack submarines, cruise missile equipped: None  
(2) Diesel powered attack submarines, cruise missile equipped: None  
(3) Diesel powered attack submarines for torpedo attack (no cruise missile capability): (from Jane's Fighting Ships, 1969-70)

UAR <sup>1</sup> -----	16
Albania <sup>1</sup> -----	4

<sup>1</sup> Training and material readiness to execute the torpedo attack mission is doubtful.

(4) Long range aircraft (Badgers) capable of anti-ship missile delivery:

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UAR (approx) ----- 20  
Iraq (approx) ----- 9  
No missiles have ever been observed on any of these aircraft.

(5) Surface ships (and craft) equipped to deliver anti-ship missiles: (From Jane's Fighting Ships 1969-70)

## Patrol boats (OSA and KOMAR)

East Germany ----- 12  
Poland ----- 12  
Rumania ----- 4  
Yugoslavia ----- 0  
UAR ----- 20  
Algeria ----- 9  
Syria ----- 10

*It is evident from the foregoing that the principal threat to carriers in limited war is the anti-ship missile delivered from a patrol boat.*

(1) The technology of the anti-ship missile is the newest and most formidable weapon for future use against the carrier. However, under the environment of less than general war, the threat of the anti-ship missile is substantially diminished. There is small chance in the immediate future that the lesser potential enemies will have significant capability to deliver anti-ship missiles except in one-shot, isolated surprise attacks.

(a) Although the Soviets are providing satellites with some modern weapons, they have not provided them with a submarine missile launching capability. Any significant surface launched missile capability requires control of the sea, which is not attainable by the lesser powers alone. The Soviet STYX missiles with which the Egyptians sank the *Elath* were launched from patrol boats. Significantly, the Egyptians have not duplicated this feat on the high seas.

(b) It is possible that surface-to-surface missiles similar to the STYX missile could be provided to the North Vietnamese. However, the carriers in the Gulf of Tonkin can and have operated beyond the range of land-based STYX missiles, and no potential North Vietnamese anti-ship missile launching platform such as a patrol boat or jet aircraft has ever penetrated the U.S. Naval defenses to within the effectiveness missile range of our carriers.

(c) An air launched missile capability requires control of the air to penetrate to within launching range of carriers. The carrier provides its own air supremacy in the vicinity of its task force and out beyond air-to-surface missile range.

## Statement

6. In the past, General Purpose Forces were planned to support 2½ wars. The present Administration appears to be heading towards a 1½ war policy. It was difficult to justify 15 CVA's under the previous policy. Under the present policy it seems clear that there ought to be a reduction.

## Comment

Although one and one half war policy can be termed a lesser national strategy in terms of funding and military capability, it does not necessarily follow that naval force levels will be correspondingly lower, nor that they should be. Policy guidance, coupled with growing enemy capabilities, actually drive naval force level requirements upward.

The new strategy of one and one-half wars places a premium on mobility of combat forces and their support, and relies on the manpower of our allies. It reflects a growing reluctance on the part of the United States to insert land based units onto the soil of other sovereign nations, placing on them the responsibility for furnishing home-based units for their own defense. The qualitative

requirements generated by this new strategy coincide closely with the capabilities inherent in naval forces in general, and in CVA striking groups in particular.

## THE NEED FOR ANALYSIS

## Statement

As a complete layman in the field of Systems Analysis, I found the arguments presented in Mr. Rosenzweig's paper very persuasive. In all of the debates over this issue, I have never seen any real analysis of the issues involved. This paper is the rare exception and I highly recommend that the Committee obtain a copy for study in order to get a balanced view of the issue that will mean billions of dollars in expenditures over the next few years.

I understand that the Committee has requested the paper from the Brookings Institution and has been turned down because Brookings hopes to publish the paper shortly.

However, the Pentagon has a copy of both Mr. Rosenzweig's Brookings paper as well as the classified OSD Systems Analysis version of the paper. The Committee should demand that the paper be made available on both a classified and non-classified basis. The issue of the relative cost-effectiveness of land based versus sea based tactical air is skillfully analyzed and is crucial to any determination of the future role of attack carriers.

## QUESTIONS ON THE JOINT STUDY

On this same subject I have the following questions about this Joint Committee study:

Has the Committee been provided access to last year's highly touted study by the National Security Council on the future role of attack carriers? Has the Committee been briefed on this study and will it be made available to Congress?

Due to the enormous sums involved in the decision of whether to buy any more attack carriers—has the Committee commissioned any studies on the issues in the seven months it has been in existence?

Who is studying the foreign policy implications of the carrier issues?—Is there any liaison with the Foreign Affairs and Foreign Relations Committees?

What is the impact of the President's Guam statement and the new Nixon low profile in foreign policy on the future of attack carriers?

Have any of the analytical people who are carrier critics been invited to testify before the Committee, such as Herbert Rosenzweig, formerly of OSD Systems Analysis; William Kaufman of Brookings, M.I.T., and former Special Assistant to Secretary McNamara; Alain Enthoven, former Assistant Secretary of Defense; Arthur Herrington, currently in the Office of the Secretary of Defense; Arnold Kuzmack, formerly of Systems Analysis; and Ivan Selin, former Assistant Secretary of Defense for Systems Analysis. And I am sure there are other qualified people outside of the Pentagon who could address these issues and substantially increase the level of debate.

Now I would like to make some observations on what I view as a critical issue—the vulnerability of the attack carriers.

## CARRIER VULNERABILITY

The question of carrier vulnerability has been debated for some time. There are a number of scenarios that must be considered—some of them reasonable and some that are really far less than reasonable. The first is an all-out war with the Soviet Union. In such a situation, the war would most likely be fought with both tactical and strategic nuclear weapons. In this case, I am quite sure that even the Navy would admit that carriers would be extremely vulnerable. Only through a quirk of fate would any survive.

## Comment

A direct hit from a nuclear warhead will destroy any ship, and any other military installation as well. But there is little or no chance that nuclear weapons would be employed against the U.S. carrier force except under circumstances of a general nuclear war with the Soviet Union or with China. Under these conditions, everything is vulnerable and great losses will be sustained by both sides, but even under these circumstances the carrier is less vulnerable because it cannot be pre-targeted. However, because the most probable future wars will be below the threshold of general nuclear war, limited conflicts of the type experienced in Korea and Vietnam can be expected.

## Statement

The remaining potential enemies do not constitute a significant threat to our carriers. The Chinese do have about 30 conventional submarines of medium endurance. However, their tactical missilery could not be considered a major threat, although in any engagement we probably would not get off scott free. The North Vietnamese present no real threat to the carriers. The Egyptians do present a modicum of trouble for carriers in a first strike since they do possess the Soviet-built Styx missiles. However, it is unlikely that any sustained attack could be mounted since the Egyptian patrol boats would be quickly destroyed. The remainder of the nations of the world present no significant threat to our carriers.

## Conventional War at Sea with the Soviets?

These then are the reasonable scenarios. Let us consider an unreasonable one, but one which many people continue to dwell upon with analytical fascination: a conventional war with the Soviet Union. Carriers do not fare too well when considering their vulnerability in this situation.

The vulnerability of aircraft carriers in a conventional United States/Soviet War is an issue that has not been sufficiently studied; or if it has, the results have not been made available to the Congressional membership. The Navy has not stated in a clear-cut manner what the survivability of aircraft carriers would be against a potent enemy such as the Soviet Union under conventional war time conditions. Rear Admiral Johnston has stated that carriers are not completely vulnerable and they are not completely invulnerable. This is less than marginal help. Last year during Congressional debate, Admiral Moorer made the statement, purporting to demonstrate the invulnerability of carriers, that during World War II not a single carrier had been sunk by Kamikaze attack. This statement is technically correct. However, it is misleading for two reasons. First, the comparison is not good because the Kamikaze is a vintage 1945 weapon. The weaponry of this country cannot be predicated upon defending against an enemy armed with obsolete weapons. For example, if the Army were to propose an antiaircraft weapon capable of destroying Sopwith Camels, I hardly think the Congress would swallow such a rationale. Modern defenses must be capable of countering an enemy equipped with equally modern weapons. Another reason the Kamikaze statement is misleading is that while no carriers were sunk by these human guided missiles, a number were seriously damaged and put out of action for extended periods or permanently. I have been informed that 13 carriers were seriously damaged by Kamikaze attacks, but the following list is the most comprehensive we could put together on short notice:

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## CARRIERS BADLY DAMAGED BY KAMIKAZE ATTACKS

Ship <sup>1</sup>	Date	Number of hits	Notes	Ship <sup>1</sup>	Date	Number of hits	Notes
Saratoga (CV-3)	Feb. 21, 1945	4	Serious damage, went out of commission.	Others listed as badly damaged by Morrison: <sup>2</sup>			
Ticonderoga (CV-14) <sup>3</sup>	Jan. 21, 1945	2	Returned to base.	Franklin (CV-13) <sup>3</sup>	Mar. 18, 1945		
Bunker Hill (CV-17) <sup>3</sup>	May 11, 1945	2	Returned to base, went out of commission.	Wasp (CV-18) <sup>3</sup>	Mar. 19, 1945		
Intrepid (CV-11) <sup>3</sup>	Nov. 25, 1944	2	Returned to base.	Hancock (CV-19) <sup>3</sup>	Apr. 7, 1945		
Enterprise (CV-6)	May 13, 1945	1 plus	Returned to base, went out of commission.	Intrepid (CV-11) <sup>3</sup>	Apr. 16, 1945		

<sup>1</sup> M. Korotkin, "Battle Damage to Surface Ships During World War II," translation 310, David Taylor Model Basin, February 1964.

<sup>2</sup> Vol. 14, pp. 389-392.

<sup>3</sup> Essex class or later.

Comment: The Navy has in the past contrasted the Kamikaze attacks of World War II to the

cruise missiles of today to emphasize the ineffectiveness of the Kamikaze, even with the most sophisticated and reliable guidance system yet conceived—the human brain. The predominance of the human brain is again illustrated by the flight of Apollo 13; the most complex product of our technology is ultimately dependent upon the mental acuity of the astronauts.

Additional information on the carriers referred to is submitted as substantial support for the Navy's thesis on carrier survivability:

**Saratoga**—Completed in 1927 on the hull of a 1920's battle cruiser—participated in 4 major campaigns in the Pacific. In February 1945 she was 18 years old. Hit between 1700-1846, she was ready to land aircraft at 2015. She was under repair for 10 weeks and undoubtedly would have seen further action had the war continued. One might also recall that she was a target ship in the Bikini atom bomb tests of 1946—and survived the air burst of a 20KT bomb with superficial damage.

**Enterprise**—In May 1945—under repair for 14 weeks and could have returned to service had the war been prolonged.

**Franklin**—War ended 5 months later before she returned to service. Sailed from the Sea of Japan to Boston under her own power—12,000 miles.

**Bunker Hill**—War ended 3 months later before she returned to service. Was later converted to a CVS and then an AVT before being stricken in 1966. She is now used as a moored electronics ship in San Diego.

**Ticonderoga**—25 years later still in active service. Over 43,000 combat sorties flown during 4 tours in Vietnam. Returned to U.S. in September 1969 and is now being converted to a CVS and will be in the force in the Seventies.

**Intrepid**—25 years later and still in active service. Nearly 25,000 combat sorties flown during the Vietnam War. Reverted to her role as a CVS in 1969 and scheduled to be in the force in the Seventies.

**Hancock**—5 tours and over 38,000 combat sorties in Vietnam. She left the Tonkin Gulf on 30 March and she arrived home 13 April 1970—25 years and a week after the damage cited by Mr. Moorhead.

#### Statement

So instead of dwelling on an enemy armed with historical relics, let us dwell for a moment on modern weapons that carriers might face if we were at war with the Soviets.

Soviet attacks on our carriers might be expected from one or a combination of three sources: manned aircraft armed with air to surface missiles or bombs; surface-to-surface missiles launched by surface ships; and submarines launching either torpedoes or underwater launched guided missiles.

#### AIRCRAFT AND ASM THREAT

Considering the first source, that is, armed manned aircraft, we know that the Soviet Union has a considerable force of Badger, Blinder, and Bear aircraft. These are capable of carrying up to 10 missiles per plane.

#### Statement

From 6 to 10 of these aircraft can be launched simultaneously which means that they can direct bursts of from 10 to 20 missiles at the carrier. Since we cannot expect over 90% reliability of our defense systems, the carrier probably would not sur-

vive. Admittedly the utility of these planes is limited by their range. However, areas of vulnerability include the Mediterranean, the North Sea and the area around Japan, Korea, and off the East Coast of the Soviet Union.

#### MISSILE AND TORPEDO THREAT

The other sources of potential threat to our carriers stem from missiles and torpedoes fired from submarines or surface ships. Surface-to-surface missiles launched either from surface ships or submarines present a real threat to our carriers. The enemy objective is to try to hit aviation fuel supplies causing extensive damage. Experts estimate that two to four missile hits are sufficient to knock out a carrier for an extended period of time.

#### Comment

The experience of the USS *Enterprise* would belie this statement.

The hardness of the modern attack carrier is illustrated by the accident in the *Enterprise* early last year when nine major caliber bombs detonated on her flight deck. This is the explosive equivalent of more than a half dozen cruise missiles. Yet the ship could have resumed her scheduled air operations within hours, as soon as the debris was cleared from the after end of the flight deck.

#### Statement

This particular threat may be increasing considerably. According to an article in the Chicago Daily News on April 2, the Soviet Union is developing a new missile that has a range far in excess of the Styx. It can be fired from a submerged submarine and speeds to its target in the air just above the waves. The potential danger of such a missile is increased not just by its extended range or the fact that it can be stealthily fired, but also because of its altitude. A low altitude missile is quite difficult to defend against with our own surface to air missiles.

#### Comment

The Navy cannot vouch for the accuracy of the article in the Chicago Daily News. However, the implications of the anti-ship missile threat have been under continuing review.

Design improvements for protection have been incorporated in all new carriers built since World War II subsequent to the Essex class. The new *Nimitz* class nuclear carriers are the best protected and least vulnerable carriers ever designed.

The available defenses against anti-ship missiles for a carrier task force now consist of:

Inherent mobility (indefinite endurance at high speed for nuclear ships).

Air attacks by carrier aircraft against: Surveillance platforms, Launching Platforms, Missiles in flight.

Anti-submarine force attacks against hostile submarines.

Surface-to-air missile (SAM) defenses in ships of the task force against anti-ship missiles.

Close-in gun and missile defense from carriers against anti-ship missiles.

Both active and passive electronic warfare countermeasures from aircraft and all ships in the task force.

In the event that anti-ship missiles penetrate the above defense in depth and close defenses, the carrier is well equipped to survive hits with its built-in protective systems as follows:

Extensive armor protection for the flight deck, sides, and underwater body designed with high probability to defeat high order contact and penetrating explosives comparable to that of an anti-ship missile warhead.

Watertight compartmentation throughout the hull which divides the ship into more than 2,000 watertight and shock resistant compartments to confine damage to small areas.

Redundancy of essential systems for command and control, aircraft operations, ship control, ship propulsion, and damage control to provide means for continuing effective offensive and defensive action while limiting damage, defeating fires, and restoring casualties from hits.

The statements above do not mean that U.S. Navy concern for the potential threat of the Soviet submarine force or the anti-ship missile is downgraded. It is recognized that in a confrontation or in a war with Russia, Soviet submarines constitute a formidable force threatening our use of the seas. Therefore, continuing development of Navy anti-submarine warfare capabilities is in progress in conjunction with development of defenses against the anti-ship missile.

The Soviets, in turn, have always been concerned with the threat posed them by our Attack Carrier Task Forces. In the 1960's they commenced allocating an increased share of their national resources on a priority basis to their anti-ship missile program as a counter to the carrier threat.

Responding to this increased Soviet threat, the Navy embarked on a broad scale improvement of existing defensive weapons. Recognizing the need for central coordination the ASDM (Anti-Ship Missile Defense) Office was established in February 1968 with a Rear Admiral, USN as ASDM Program Coordinator. As the first priority, the ASDM office in 1969 published new tactics and doctrine for countering the anti-ship missile for fleet use. In that same year, an ASDM Program Plan was promulgated encompassing all previous missile defense plans and setting forth schedules for near term and future improvements to weapons and electronic warfare equipments.

The general provisions of the ASDM Program Plan provide a defense-in-depth concept utilizing all weapons available to a balanced fleet. The plan addresses immediate improvements to existing systems as well as installation of new systems, and integration of these systems into a reliable anti-missile capability in both area and self-defense.

The near term effort includes installation of improvements to surveillance and reconnaissance platforms, air interceptors, surface-to-air missiles, guns, point defense sys-

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tems, threat recognizers, decoy systems, radar detection systems, and counter-electronic warfare systems. New systems in the ASMD plan include an advanced surface-to-air missile system, an air and surface launched anti-ship missile, a manned shipboard multi-purpose helicopter, and a new radar controlled rapid fire machine gun.

The ASMD shipboard installations are time-phased in accordance with scheduled ship overhauls and availability of new or modified equipment.

The first step of the ASMD program, to equip 20 destroyers on an emergency basis for duty in Southeast Asia, is nearing completion. The second step, commencing July 1970, is to provide aircraft carriers, cruisers, and frigates with all available equipments necessary to provide a threat reactive anti-ship missile defensive suit.

*Statement*

Torpedoes also constitute a threat to carriers. There are two types of torpedoes: straight running and homing. The damage potential of straight running torpedoes is low. A carrier could probably sustain 20 hits with low effect. However, according to experts the damage potential of homing torpedoes is relatively high despite the fact that counter-measures exist. Homing torpedoes are generally designed to home on the ship's screws. A carrier most frequently has 4 screws. If two are hit and rendered inoperable the carrier would most likely be incapable of fulfilling its mission of launching aircraft. While the carrier might not be sunk it would have to withdraw for some period of time.

*Comment*

Of the major weapons which constitute threats to the carrier, torpedoes are by far the least effective. The submarine must reach a point within several miles of the carrier to fire torpedoes. Furthermore, the torpedo protective system of modern attack carriers is extremely effective. Recent technical analyses at the Naval Ship Research and Develop-

ment Center show that a significant number of torpedoes are required to put a modern Forrestal or subsequent class carrier out of action.

*Statement*

The torpedoes mentioned thus far are conventional in their mission. Experts now believe that there is a possibility that the Soviets could develop a new type of torpedo capable of actually sinking a carrier. Such a torpedo would be designed to explode under the hull, in effect breaking the back of the carrier.

These conventional weapons exist and they can incapacitate or destroy carriers. This country does possess carrier defenses in the form of missiles and aircraft. However, no one, not even the most optimistic, could expect these defensive systems to operate in excess of 90% reliability.

*Comment*

Similarly, we cannot expect offensive systems to operate with perfect reliability.

*Statement*

Therefore, we must assume that even under conventional wartime conditions with the Soviet Union, in the face of determined opposition attack carriers are quite vulnerable.

*Comment*

The Navy agrees that in a war between the United States and the Soviet Union there would be enormous casualties to both sides. Soviet submarines and missiles would indeed be serious threats to the carrier as they would be to all ships, particularly those with limited defensive capability such as tankers and other supply ships. These logistic ships which would transport the vast majority of supplies to sustain any land effort over seas would have to depend upon the carrier for protection against antiship missiles. Our own surface warships, outranged by Soviet anti-ship missiles, would likewise perform their missions under the protective umbrella of carrier aircraft which greatly outrange Soviet missiles.

Today, carriers constitute the margin of

superiority of the U.S. Navy over the Soviet Navy. In other areas such as members of attack and missile submarines, surface-to-surface missile ships, missile patrol boats, as well as general modernity of equipment, the Soviet Navy is ahead of us, but in carriers, we have a clear advantage. Our attack carriers are the most effective counter to the anti-ship missile threat. The carrier's aircraft, with a tactical range of about 600 miles, can search for, keep surveillance over, and if necessary, attack and sink the hostile missile launcher.

If we were without carriers entirely or if there were not sufficient numbers of carriers available, enemy missile-launching ships and aircraft could operate unopposed in any conflict with the U.S. Our Navy's operations would be severely curtailed. Tactical air superiority is a necessary prerequisite for success in any naval operation, be it amphibious assault, ASW, or protecting our sea lines of communications with our allies and our land forces overseas, and the attack carrier provides this tactical air advantage.

*CONCLUSION**Statement*

Mr. Chairman, there are any number of questions that this committee should answer. Detailed analyses exist that show that carriers are not cost-effective when compared to land based aircraft. The committee should study this report. It should request the navy to provide similar studies justifying its position. Unless the Navy can provide additional insight and information, additional carriers seem not to be warranted at this time. Beyond the question of cost-effectiveness there are very real indications that carriers are becoming increasingly vulnerable to sophisticated weaponry such that in the event of a major conflict with the Soviets, they would not survive.

For these reasons I believe that a balanced force should not exceed 12 carriers and that under these circumstances the Congress need not make a decision on the procurement of additional attack carriers until 1975.

Number	Class	Name	Date commissioned	Number	Class	Name	Date commissioned
CVA-14	Essex	Ticonderoga <sup>1</sup>	1944	CVA-61	Forrestal	Ranger	1957
CVA-19	do	Hancock	1944	CVA-62	do	Independence	1959
CVA-31	do	Bon Homme Richard	1944	CVA-63	do	Kitty Hawk	1961
CVA-34	do	Oriskany	1950	CVA-64	do	Constellation	1961
CVA-41	Midway	Midway <sup>2</sup>	* 1945	CVAN-65	Enterprise	Enterprise	1961
CVA-42	do	Roosevelt	* 1945	CVA-66	Forrestal	America	1965
CVA-43	do	Coral Sea	* 1947	CVA-67	do	Kennedy	1968
CVA-59	Forrestal	Forrestal	1955	CVAN-68	Nimitz	Nimitz	(c)
CVA-60	do	Saratoga	1956	CVAN-69	do	Eisenhower	(c)

<sup>1</sup> To become a CVN (ASW carrier) when Midway rejoins the fleet in 1970.

<sup>2</sup> To rejoin the fleet in 1970.

<sup>3</sup> Undergoing modernization.

<sup>4</sup> Modernized 1953-56.

<sup>5</sup> Modernized 1956-60.

<sup>6</sup> Under construction.

Note: Total 18; in addition, there are presently 8 ASW carriers.

*Comment*

The *Ticonderoga* (CVA-14) was designated an antisubmarine warfare support carrier (CVS) in October 1969. The modernization date for *Roosevelt* (CVA-42) should read 1954-1956, and for *Coral Sea* (CVA-43) should read 1957-1960. There are presently only 4 ASW carriers (CVSs) vice the 8 indicated.

Mr. Chairman, I would also like to include at this point a letter from the Chairman of the Joint Chiefs of Staff:

THE JOINT CHIEFS OF STAFF,  
Washington, D.C. April 29, 1970.

HON. CHARLES E. BENNETT,  
Chairman, House-Senate Subcommittee on  
CVAN-70, House of Representatives,  
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of April 28th which asks that I

comment on a document which was recently presented at the hearings held by the Joint House-Senate Subcommittee on CVAN-70. In particular, you requested my views on that part of the document which says:

"There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas."

I am pleased to write you concerning this matter, especially since the statement to which you refer tends to convey an erroneous impression that the Joint Chiefs of Staff entertain the view that all of the United States military tactical fighter aircraft requirements for a Southeast Asian or European major contingency could be met by the use of land-based tactical fighter aircraft. This is not so.

While existing airfields in Southeast Asia and Europe could physically accommodate

the number of tactical aircraft required to meet a major contingency in either of the mentioned geographical areas, this could be done only at the unacceptable cost of reduced flexibility and military effectiveness. Airfield space accommodations are only one factor to be considered in determining whether or not to land-base or sea-base tactical aircraft. Each mode of basing, either land or sea, offers unique strategic and tactical advantages not possessed by the other mode. In weighing these advantages, the factors considered must not only include the demands on the use of airfield facilities, they must also consider the geographical areas of operations, threat projections, the availability of the land bases within operating range of expected contingency areas, problem requirements for forces to defend land bases or carriers, the relative vulnerability of land bases or carriers to attack, the existence or absence of logistic prestockage, projected



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sustained sortie requirements, and the rapidity with which forces may have to be disengaged and reengaged in distant geographical areas.

When all of the operational and planning factors are considered, including those listed above, it is clear that land-based tactical fighter aircraft alone would not be sufficient to meet the United States operational needs for a major contingency in either Southeast Asia or Europe. Rather, these needs require a proper mix of both sea-based and land-based aircraft.

The testimony referred to in your letter also would imply that fighter and attack aircraft constitute the only demands on the use of the airfield facilities located in Southeast Asia or Europe. This also conveys an erroneous impression. The very high traffic loads which could be expected in the event of a major contingency in either of these areas would not allow adequate tactical aircraft support to come only from the land bases located there. To simply state that bases in Europe can accommodate all the fighter forces required is an unfortunate oversimplification of a vastly complex problem. Such a proposal could not be feasibly implemented without extensive planning and major additional expenditures of United States and allied funds.

The statement referred to in your letter only addresses Southeast Asia and Europe. However, a far more serious basing problem exists with respect to South Korea than in either Europe or Southeast Asia. [Deleted.]

If bases in Japan or Okinawa were available, some fighter and attack support could be obtained by flying extended duration missions using in-flight refueling. However, base overcrowding would still greatly constrain sortie generation and create other major problems. The use of sea-based tactical air forces in support of South Korea would greatly relieve the vulnerability and base density problems. Without support from sea-based tactical air forces, it appears doubtful that air superiority, essential to successful ground operations, could be maintained in Korea.

In summary, while existing airfields in Southeast Asia and Europe could physically accommodate the required number of tactical aircraft, this would be only attained at the price of reduced flexibility and effectiveness afforded by sea-based tactical air forces. Significantly, with respect to Northeast Asia the airfield structure, unsupported by sea-based tactical air, would be inadequate to accommodate the expected level of operations.

I hope that my above comments will assist the House-Senate Subcommittee on CVAN-70 in evaluating the document which you enclosed in your above-mentioned letter. If I can be of any further assistance in this or in any other matter, I shall be pleased to hear from you.

Sincerely,

EARLE G. WHEELER,  
Chairman, Joint Chiefs of Staff.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The amendment was rejected.

Mr. RYAN. Mr. Chairman, I have three amendments and I ask that my time may be apportioned between all three. Can the Chairman apportion the time between the three?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair therefore will apportion the time and the Clerk will report the three amendments en gros.

Mr. RYAN. Mr. Chairman, my request was not that they be considered en bloc, but that my time be apportioned. I do not believe it is feasible to consider them en bloc.

Mr. RIVERS. Mr. Chairman, just exactly what is going on?

The CHAIRMAN. The Clerk is reporting an amendment offered by the gentleman from New York (Mr. RYAN).

Mr. RIVERS. Mr. Chairman, I thought I heard someone say "en bloc"?

The CHAIRMAN. The gentleman from New York did not care to have the amendments considered en bloc.

The Clerk will report the first amendment.

#### AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. RYAN:

Page 6, following line 8, insert the following new section:

"SEC. 403. No part of the funds authorized to be appropriated pursuant to the Act shall be used to finance the use of American military forces in Cambodia."

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RIVERS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. RIVERS. Mr. Chairman, has the matter not already been disposed of? That is why I asked the gentleman to let me know what was going on. Has not the Cambodian issue been disposed of?

The CHAIRMAN. This is a different amendment.

Mr. RIVERS. That is what I would like to find out.

Mr. Chairman, I ask unanimous consent that the amendment be re-read.

The CHAIRMAN. Is there objection to the unanimous-consent request to have the amendment re-read?

There was no objection.

The CHAIRMAN. The Clerk will re-read the amendment.

The Clerk re-read the amendment.

Mr. RIVERS. Mr. Chairman, I make a point of order. This bill does not deal with the paying of the salaries of military personnel. That comes under housekeeping and does not require authorization. This bill has nothing to do with that subject matter, and the amendment is subject to a point of order. That would come under the appropriation bill for housekeeping, for operation and maintenance.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. RYAN. I do not wish to take my time to answer a point of order, Mr. Chairman. I believe the amendment clearly is in order. It is a provision which prohibits the use of funds in this bill to finance the use or the deployment of American military forces in Cambodia. It is very clear what it does. Funds in this bill cannot be used to support U.S. military operations in Cambodia. If the Reid amendment was in order, then this is in order. Unfortunately, the House was deprived of an opportunity to have a vote on the Reid amendment, because

of the adoption of the Findley substitute, and I believe this issue should be squarely before the House.

Moreover, section 401 places no limitation upon the funds available, since the language of that section provides for authority "under this or any act involving the Armed Forces." This contrasts with Public Law 89-367, which section 401 amends, and which at least—although this is small solace—imposed a ceiling on expenditures. In the light of the vents of recent days, we should be restricting the President's ability to engage the United States—directly and indirectly—in military conflict. And yet, section 401 by its open-ended funding, expands it.

More wars must be avoided. Continued congressional default to executive dictate must be ended. We cannot persist in a manner of conducting our foreign and military affairs which tramples over the public's and the Congress' right to know. How many more Vietnams must be experienced before we stop insistence on military involvement, the public and the Congress be damned?

Over 41,000 dead American soldiers in Vietnam bear witness to the folly which follows when Congress fails to exercise its responsibilities and when Congress is barred from information as to the military ventures the executive decides to undertake.

It is not possible to discern from the language of section 401, or from the committee hearings, just what the "support" authorized by that provision entails. The House is being asked to vote for an open-ended commitment the nature of which, the extent of which, and the consequences of which are obscure and dangerous.

This obscurity is pointed out in the committee hearings. I would point to page 6922 of the hearings—House Armed Services Committee 91-53—at which juncture the chairman of the committee, in his colloquy with Secretary of Defense Laird, referred to a letter received by the Secretary from 10 Members of the House requesting cost information with respect to our operations in Vietnam, Thailand, and Laos.

That letter was sent in December 1969 by myself and nine of my colleagues: Mr. BROWN of California, Mr. BURTON of California, Mr. CONYERS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. KASTENMEIER, Mr. MIKVA, and Mr. ROSENTHAL. It asked, specifically, for information regarding the cost of supporting Thai troops in Vietnam; the cost of supporting a Filipino construction battalion in Vietnam; the cost of supporting South Korean troops in Vietnam; the cost of conducting U.S. military operations in Laos; and the cost of operating U.S. military bases in Thailand.

The committee hearings give no answer to these questions. In fact, on page 6923, the figures we requested are deleted. What is more, the Secretary of Defense, under the signature of Mr. Richard G. Capen, Jr., Assistant to the Secretary for Legislative Affairs, refused in his letters of February 20, and March 31, 1970, to give us this information, saying that

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it had been furnished to the House Armed Services Committee.

I do not accept the Secretary of Defense's view that, as Congressmen, we are not to be given information about the cost—and thereby the extent of our involvement—in military ventures. I do not accept the implicit assumption made by the Secretary of Defense that we, as Congressmen charged with the responsibility to represent our constituencies, are to be denied information of the most basic and important concern to every American.

I do not accept the view that a bill should be reported out of committee, and voted on, which authorizes open-ended support for operations, the present future, and past costs of which we are not allowed to know.

This type of conduct of our foreign and military affairs led us into Vietnam. It accounts for our involvement in a secret war in Laos.

Mr. RIVERS. Mr. Chairman, this bill does not have any money in it for that purpose. This is a procurement bill and a research and development bill. It has no funds whatever to pay personnel for doing anything.

The amendment is subject to a point of order, and I do make the point of order that it is not germane to the title or to the bill.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair feels that this amendment attempts to bring into the legislation something that is not germane, and therefore the Chair sustains the point of order against the amendment.

The Clerk will report the second amendment offered by the gentleman from New York (Mr. RYAN).

AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. RYAN:

On page 5, strike out lines 5 through 15, inclusive.

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN. Mr. Chairman, this amendment would strike from the bill section 401. Section 401 is an open ended authorization for the funding under this act or any other act of the so-called local forces in Laos and Thailand and of Vietnamese and other free world forces in Vietnam. It is the widest authority possible for the executive branch to continue doing what it has already done in Cambodia; that is, to arm and supply South Vietnamese troops to undertake to spread the entire conflict throughout Southeast Asia. It is an invitation to the Executive to arm and supply Thai forces and Laotian forces and to use them as mercenaries throughout Indochina.

Passage of the military procurement bill as it now stands—with section 401 intact—will be an implicit endorsement of the unauthorized, unilateral action taken by the President last week. And it will constitute carte blanche for him to continue on his course of attempted military solution to problems which can only be resolved by political settlement.

Moreover, the open-ended language of section 401 contrasts with Public Law

89-367, which section 401 amends, and which at least—although this is small solace—imposed a ceiling on expenditures. In the light of the events of recent days, we should be restricting the President's ability to engage the United States—directly or indirectly—in military conflict. And yet, section 401 by its open-ended funding, expands it.

More wars must be avoided. Conducting foreign and military affairs by trampling over the public's and the Congress' right to know must end. How many more Vietnams must be experienced before there is a change in the public and the Congress be damned policy? Over 41,000 dead American soldiers in Vietnam bear witness to the folly which follows when Congress fails to exercise its responsibilities and when Congress is barred from information as to the military ventures the Executive decides to undertake.

It is not possible to discern from the language of section 401, or from the committee hearings, just what the "support" authorized by that provision entails. The House is being asked to vote for an open-ended commitment the nature of which, the extent of which and the consequences of which are obscure and dangerous.

The obscurity is pointed out in the committee hearings. I would point to page 6922 of the hearings—House Armed Services Committee 91-53—at which juncture the chairman of the committee, in his colloquy with Secretary of Defense Laird, referred to a letter received by the Secretary from 10 Members of the House requesting cost information with respect to our operations in Vietnam, Thailand, and Laos.

This letter was sent in December 1969, by myself and nine of my colleagues: Mr. BROWN of California, Mr. BURTON of California, Mr. CONYERS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. KASTENMEIER, Mr. MIKVA, and Mr. ROSENTHAL. It asked, specifically, for information regarding the cost of supporting Thai troops in Vietnam; the cost of supporting a Filipino construction battalion in Vietnam; the cost of supporting South Korean troops in Vietnam; the cost of conducting U.S. military operations in Laos; and the cost of operating U.S. military bases in Thailand.

The committee hearings give no answer to these questions. In fact, on page 6923, the figures we requested are deleted. What is more, the Secretary of Defense, under the signature of Mr. Richard G. Capen, Jr., Assistant to the Secretary of Legislative Affairs, refused in his letters of February 20, and March 31, 1970, to give us this information, saying that it had been furnished to the House Armed Services Committee.

I do not accept the Secretary of Defense's view that, as Congressmen, we are not to be given information about the cost—and thereby the extent of our involvement—in military ventures. I do not accept the implicit assumption made by the Secretary of Defense that we, as Congressmen charged with the responsibility to represent our constituencies, are to be denied information of the most

basic and important concern to every American.

I do not accept the view that a bill should be reported out of committee, and voted on, which authorizes open-ended "support" for operations, the present, future, and past costs of which we are not allowed to know.

This type of conduct of our foreign and military affairs led us to Vietnam. It accounts for our involvement in a secret war in Laos. It accounts for widening the war into Cambodia. It makes the threat of an all-Indochina war very real.

I want to make clear that my amendment is not meant as an attack on the administration's Vietnamization policy, although I have expressed serious reservations about this policy. Deletion of section 401 in no way will impede the Vietnamization program. It will merely require the administration to request specific authorization for support of South Vietnamese forces—authority it should request specifically, so that the Congress may assess the premises of this policy, its successes, and its failures.

In addition, I would hope that, even if this amendment is defeated, the debate on it will mark the beginning of serious congressional scrutiny into the military policies which the executive branch is pursuing and contemplating, and an assertion of congressional control. I believe that we can do no greater service to our country than to exercise the responsibilities so wisely given us by the Constitution.

The CHAIRMAN. The time of the gentleman from New York has expired on this amendment.

The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

The CHAIRMAN. The Clerk will report the third amendment offered by the gentleman from New York (Mr. RYAN).

AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. RYAN:

One page 6, after line 8, and a new section as follows:

"Sec. 403. Prior to the award of any contract for goods or services by the Department of Defense, the Army, the Air Force, the Navy, the Marine Corps, or any other Department or agency contracting for goods or services under this Act, approval shall be required from the United States Commission on Civil Rights that the contract to be awarded is in conformance with Executive Orders 11246 and 11375."

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN. Mr. Chairman, this amendment requires, simply, that prior to the awarding of any contract under this act, the U.S. Commission on Civil Rights must approve it as being in conformity with Executive Order No. 11246, which prohibits discrimination on the part of all Federal contractors and requires that they take affirmative action to hire, employ, and promote employees without regard to race, color, or national origin. It also provides that there be conformity with Executive Order No. 11375 which

expands coverage to discrimination on account of sex.

The Defense Department has demonstrated that it is either unable or unwilling to enforce vigorously the equal opportunity program. My amendment is necessary to place in the hands of a committed agency the power to review all Defense Department contracts prior to their award, to assure that the contractor is in compliance with the provisions of the President's executive orders.

The Department of Defense has jurisdiction over the largest number of companies doing business with the Federal Government. It has been estimated that as many as three-fourths of all Federal supply and service contracts are with the Defense Department, which has some 20,000 prime contractors and 100,000 subcontractors. Assistant Secretary of Defense Barry J. Shillito has pointed out that "some 5,300 cities and towns have at least one plant or company doing business with the armed services."

The bill before us today authorizes over \$20 billion for procurement by the military establishment. Almost all of this money will be funneled to contractors, and through them, subcontractors, for the acquisition of goods and services. Consequently, H.R. 17123 marks perhaps the most significant piece of legislation in terms of its effect on the economy and on employment that this House considers. Its significance for minority group members seeking employment opportunity is immeasurable, for it is they who have been most victimized in the past—and in the present—and it is they who must look to the Federal Government to require the equality of opportunity that so many employers deny them.

To pass H.R. 17123 without making clear its importance in this regard is unwise. To not assure that its significance is backed up by implementation of Executive Order 11246 is unwarranted. To not particularly emphasize the chances for a breakthrough in employment opportunity which this \$20 billion authorization bill affords is unacceptable—especially in light of the Defense Department's great potential for effecting equal opportunity in employment and its dismal record doing so thus far.

I call particular attention to last year's dealings between the Defense Department and three textile firms—Dan River Mills, Burlington Industries, and J. P. Stevens & Co. Despite the fact that investigations by the Defense Supply Agency, the contracting component of the Defense Department, revealed that all three companies discriminated in hiring, promotion, and other practices, these companies were awarded defense contracts totaling \$14 million.

In each case, the requirement established by regulations issued by the Office of Federal Contract Compliance that there be specific, written commitments to correct compliance deficiencies was ignored. Deputy Defense Secretary Packard accepted, in their stead, oral assurances. Not only did this violate the OFCC regulations; the Office of Federal Contract Compliance was not even consulted regarding the awarding of these contracts. In accepting these oral

assurances, Deputy Secretary of Defense Packard overruled his own Deputy Assistant Secretary of Defense of Civil Rights, Jack Moscovitz, who had recommended that the contracts be withheld on the ground that the three companies had failed to bar discrimination. What is more, Mr. Moscovitz had advised Deputy Secretary Packard of the necessity for written assurances beforehand.

This action by the Department of Defense clearly was in violation of Federal regulations, yet this fact did not deter the Department from proceeding.

Again the Defense Department erred when, last year, the Department of the Navy awarded contracts totaling \$128 million to the Ingalls Shipbuilding Co. of Pascagoula, Miss., even though equal employment opportunity deficiencies had been documented, and no affirmative action plan existed.

L. Howard Bennett, Acting Deputy Assistant Secretary of Defense, Civil Rights and Industrial Relations, acknowledged that the Navy had violated Defense Department's own requirements. Mr. Bennett stated:

(T)his contract was awarded by the Navy without completing our required pre-award compliance check on equal employment opportunity matters.

Once again, equal employment opportunity deficiencies by a Defense Department contractor—Newport News Shipbuilding and Dry Dock Co.—were discovered just last month. This time, the Navy was the division of Defense contracting with a noncomplying company. While \$700 million worth of new contracts were held up until Newport News adopted an adequate affirmative action plan, the fact is that the Navy had more than \$2 billion worth of contracts ongoing at the time the Maritime Administration uncovered the noncompliance, of which \$500 million worth of work was not yet completed. So not only has the Defense Department shown itself inept in the preaward stages, it similarly has failed to enforce compliance during the course of contracts already awarded.

Still another instance of, disregard for effectively and properly implementing Executive Order 11246 involves McDonnell-Douglas Aircraft Corp., which has been awarded a contract to build the F-15 jet fighter, for which \$370 million is included in H.R. 17123. The committee report, on page 32, describes the F-15 aircraft as the "highest priority program in the Air Force today." The eventual cost of this program could run as high as \$7.7 billion. And yet, Air Force Secretary Robert C. Seamans, Jr. acknowledged that preaward contract procedures were not followed to insure full compliance with equal opportunity standards.

What is more, not only were the correct procedures not followed, but if they had been, they would have disclosed serious question that McDonnell-Douglas meets fair employment standards in hiring, promotion, and placement of personnel on a nondiscriminatory basis. Only 41 of the company's 4,898 officials and managers were black, and only 60 of its 6,700 professionals were black.

Subsequently, an equal employment opportunity agreement was reached between the Defense Department and McDonnell-Douglas. However, on February 11, Stuart C. Broad, a defense manpower official, asserted that the details of this agreement would not be disclosed, claiming they represented a "trade secret." Thus, not only does the Defense Department enter into a multimillion-dollar contract with a company seriously suspect for noncompliance with Executive Order 11246, it further refuses to disclose to the public the measures to be taken to come into conformance. This secrecy is unjustifiable. It represents arbitrary action which clearly is not consonant with the Freedom of Information Act and which clearly ignores the rights and proper concerns of the very people discriminated against by the company.

It is the height of hypocrisy to provide \$20 billion to buy missiles and aircraft and tanks for our armed services, when the hundreds of thousands of blacks, Puerto Ricans, Mexican Americans, and American Indians who serve in the Army, Navy, Marine Corps, and Air Force, and who will man this equipment, do not adequately receive the Federal Government's protection in assuring equal employment opportunity in those plants and facilities manufacturing this material.

It is obvious that the Department of Defense cannot continue to be charged with responsibility for implementation of the equal employment opportunity program, and that the Office of Federal Contract Compliance cannot alone monitor the Defense Department's contracting activities. The optimum solution would be the creation of a new independent agency charged with the responsibility for contract compliance and Federal employment, as well. Until such time as such an agency is created and to deal with the problem today, we can authorize the U.S. Commission on Civil Rights to monitor and approve all contracts of the Defense Department. It is essential that minority groups in this country no longer be ignored, short-changed, and denied their rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MORSE

Mr. MORSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORSE:

Page 6, line 9, add the following new section:

"Sec. 403. Each defense contract or grant entered into by the Department of Defense or any military department thereof pursuant to this bill in excess of \$1,000,000 shall contain provisions effective to require the contractor to define his capability for converting manpower, facilities, and any other resources now used for specific military products or purposes to civilian uses."

(Mr. MORSE asked and was given permission to revise and extend his remarks.)

Mr. MORSE. Mr. Chairman, I offer this amendment on behalf of the gentleman from New York (Mr. BINGHAM), and my-



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self, but in a very real sense I offer it in behalf of every Member of this House who has within his constituency any defense-related activity. We have seen the extent of the new trend in the last few years, initiated in part by this House last year under the distinguished leadership of the chairman of the House Armed Services Committee and that of the chairman of the Appropriations Committee, in reducing defense spending. The White House and the Department of Defense have done a great deal in this regard, also. We have seen space spending going on a downward curve for the last 5 years. In time this will mean that every single one of our districts will be adversely affected by the economic adjustments that are going to occur as a result of this reduced defense and NASA spending.

The Department of Defense recognizes the importance of the problem and has established within the Office of the Secretary of Defense an Office of Economic Adjustment. My amendment will merely require defense contractors to devote their talent and ingenuity to the problems. I recognize that this is an exceedingly complicated subject and that it is unfair to ask this committee at this time to accept such a far-reaching proposal, but I already have had the privilege of discussing it with the chairman of the Armed Services Committee and the ranking minority member of the committee as well as with the general counsel of the committee, and I would hope we might have the assurance of that leadership that the Committee on Armed Services will consider at some later date in an orderly fashion what I deem to be a very vital subject.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I am happy to yield to the chairman of the committee.

Mr. RIVERS. We could not accept this amendment at this time because it would not be a proper part of this bill. It will require some study, and the gentleman does have my assurance that we will look into it, because it may have something that we ought to consider, if the gentleman will withdraw his amendment. Even if he does not, we will still look into it.

Mr. MORSE. I thank the gentleman for that assurance.

I now yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I am happy to be associated with the gentleman from Massachusetts on this amendment. It is a matter of tremendous importance to industries today in consideration of how they will convert. It will not be too long, we hope, before this ghastly war is over. There are many industries that are faced with this problem. It requires planning ahead, and this is a constructive approach to it. I hope the chairman of the Committee on Armed Service will see to it that we get real consideration of this proposal.

Mr. RYAN. Mr. Chairman, I welcome and support the amendment offered by the gentleman from Massachusetts (Mr. Morse). This amendment, adding a new section to title IV of the military procurement bill, H.R. 17123, provides that

any contract in excess of \$1 million awarded pursuant to this bill must contain provisions which would require the contractor to define his capability to convert his manpower and facilities from military to civilian uses.

All too tragically, events of recent days make the time when defense plants will be able to convert to civilian production all the more remote. However, if Congress will exercise its authority and cease its abdication to the executive, we may well hasten the day when production of bombers and missiles and tanks ceases.

This amendment serves the worthy end of assuring that peace will not produce economic dislocation. It is derived from H.R. 8043, which I cosponsored, and which creates a National Economic Conversion Commission. At the time of introduction of that bill, I noted on the floor my support for it, and my particular pleasure in the bipartisan support for it, inasmuch as it virtually duplicated H.R. 647, which I had introduced on the first day of the 91st session of Congress.

The need for such a Commission, and such planning as this amendment requires, has been apparent for a long time. I first introduced legislation to create an Economic Conversion Commission during the 88th Congress. At that time, I and Senator GEORGE McGOVERN, who sponsored the bill in the Senate, hoped that military spending would be decreased sharply, and we recognized the need for conversion planning. Unfortunately, our hope was dashed by the Vietnam war. However, I have reintroduced identical legislation in every Congress since then.

I urge that the House support this amendment, and, thereby, in part, at least, affirm its commitment to assure a prompt end to the tragic conflict in Vietnam and conversion of the military industrial complex to peaceful uses.

Mr. MORSE. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

AMENDMENT OFFERED BY MR. LOWENSTEIN

Mr. LOWENSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOWENSTEIN: Page 6, following line 8 the following new section:

"Sec. 403. No part of the funds authorized to be appropriated pursuant to the Act shall be used to finance American military operations in Laos, Thailand, or Cambodia."

Mr. BRAY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. BRAY. This is the same as the Ryan amendment.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. LOWENSTEIN. Yes.

If this amendment is out of order, so is the Reid amendment. This is simply the Reid amendment expanded a bit on the use of ground combat troops for operations. Mr. RYAN did not include Laos and Thailand, which are in fact covered in this bill, but Cambodia is not. So I cannot see how this is out of order unless the whole debate we have had today has been out of order.

Mr. RIVERS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman is recognized.

Mr. RIVERS. Supplementing what the distinguished minority member of the committee has said, the gentleman's amendment bears on matters that come under the jurisdiction of the Committee on Appropriations. This bill is primarily a procurement bill and a research and development bill. It has nothing to do with the subject matter that the gentleman from New York seeks to insert.

Mr. BRAY. Mr. Chairman, I have before me the Ryan amendment. It is exactly the same as the Ryan amendment, which has already been ruled out, except that it adds Laos and Cambodia.

Mr. LOWENSTEIN. No. It also makes a change in American military operations and substitutes the word "forces," which comports with the Reid amendment. I do not see how the Reid amendment could be in order and this out of order.

The CHAIRMAN. The Chair is ready to rule.

Based upon the ruling previously made by the Chair on the Ryan amendment, the Chair finds that this is procurement legislation and holds the amendment not germane and sustains the point of order.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. LOWENSTEIN) be permitted to speak in behalf of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

[Mr. LOWENSTEIN addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

(Mr. SMITH of Iowa asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Chairman, I have not spoken on this bill but I have heard a lot of emotional speeches this afternoon one way or the other with several saying the same thing two or three times. It seems to me that in the background a lot of members were thinking about the young people on the college campuses who are vocal against any action in Asia. We have an obligation to represent those young people on the college campuses who do not want to go to Vietnam, but we also have an obligation to represent the boys who are now in Vietnam. They are not so visible because they could not crawl out of those foxholes and come over here and sit in the gallery and watch the proceeding.



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## CONGRESSIONAL RECORD—HOUSE

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What about the boys in Vietnam? What do they want? If one goes to Walter Reed Hospital and talk to some of those injured soldiers who have returned and they will tell you in a minute that they do not want any sanctuaries. If a member is representing the desire of the boys in Vietnam, he cannot be for sanctuaries from which they can shell our men.

The President has declared that 150,000 combat troops will be withdrawn from Vietnam within 1 year and this would largely leave supply personnel. If it is true that the North Vietnamese have responded by increasing their military offensive ability in the sanctuaries near where our last troops to leave would be located, then it would, of course, be pure suicide to withdraw the combat troops while the ability to destroy our remaining troops had been increased. If the President's claim of large military activity and capacity in the nearby sanctuaries proves to be true, then the only way to pull out the combat troops faster without the risk of losing tens of thousands of Americans in another Dunkirk would be to capture and eliminate the large supply of military hardware the North Vietnamese would be using. Whether the President is right or wrong depends on the quality of his intelligence reports and is not known now by anyone and will not be for several days or a few weeks. If it turns out that there really is no large military capability which is being increased, then it will prove to be a mistake to have gone after the sanctuaries. On the other hand, if large caches of military equipment are captured and great military capability is eliminated, there is no way to estimate how many American lives will have been protected and saved as a result. Those of us in Congress are responsible for representing the boys that are exposed in Vietnam as well as those who do not want to go or to support our Southeast Asian alliances.

As I have stated on several occasions during the past 5 years, when American boys are left in a vulnerable position near a sanctuary where the people they are fighting have the complete discretion as to when to strike and pull back, it is bound to result in loss of life for American boys. In this respect, I still think we should either take such action as will reduce our losses pending Vietnamization or else get out faster—one of the two.

The men in Vietnam have wanted the sanctuaries taken care of for the past 4 or 5 years. They want something done about it.

But, to come back to the boys who do not want to go to Vietnam—and that is almost all except the 2 million who have not been there, with them there is a different situation.

But what about them? At the root of their problem is the draft law. In 1967, the President wanted to do something about the draft law to make it more fair. What did the Congress do? This House and the Congress prohibited him from remodeling the draft law so that it would be more fair.

I think that if you want to do something that goes to the root of the problem

on our college campuses, then remodel the draft law.

So I say there are two things that are needed more or more quickly than this hardware bill. One of them is to increase the benefits of those boys in those foxholes. Too many people don't really appreciate their contribution to our country and I think they deserve more attention. That will treat them more fairly and encourage some additional volunteering.

The other high priority bill that I think we should do something about is amendments to the draft law. And this military hardware bill is of a much lower priority than either one of those.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield, what is the change that the gentleman is suggesting that should be made to the draft law?

Mr. SMITH of Iowa. I would largely agree with the President in his proposals on amending the draft law to do away with having second-class citizens so far as deferment is concerned. We have provided deferments to young men who are in college with no obligation to go to service and those who do not go to college are not deferred. Even more important is delaying the decision as to which one out of three or four will be called. Those who are on the college campuses do not know which one of them will have to go and cannot make plans for the next 2 or 3 years.

Mr. RIVERS. The complaint of the gentleman, then, is that there should be no college deferments? That is the only thing the President cannot do.

Mr. SMITH of Iowa. That is the core of the problem, because you have college deferments that are not related to the convenience or benefit of the services.

Mr. RIVERS. I have already introduced a bill—I am not committing myself to it—I am not committing myself—but I have already introduced a bill, just like the gentleman from Louisiana (Mr. HERRT), introduced a lottery bill, to remedy the draft law, but it did not do what some people said it would do.

Mr. SMITH of Iowa. The thing that I am disappointed in is that a partial draft remodeling bill was passed last year with an indication that there would be further consideration of amendments and yet we have not remodeled the draft law yet I think it is time that we get something done so far as remodeling the draft law is concerned and that is more important than an authorization bill for hardware.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

(Mr. FRASER asked and was given permission to revise and extend his remarks.)

Mr. FRASER. Mr. Chairman, I understand that there will be a motion to recommit made, as is customary with bills of this kind and, as is customary with this bill it is likely that we are to be faced with what can only be called a shell

game. That is, we are not going to be sure what the motion to recommit will be until we actually hear it.

I want to indicate to the committee that it will be the intention of some of us to vote down the previous question on the motion to recommit. The purpose of voting down the previous question will be to permit a rollcall vote on an amendment of real importance. I understand that the proposed amendment will be to insert the Leggett version of the restraints on the use of funds to support combat forces in Cambodia, and in other countries.

So that a vote against the previous question will indicate a willingness by House Members to be recorded on the Leggett amendment. A vote against the previous question is in effect a vote for the Leggett amendment. Only by voting down the previous question can the House have a rollcall vote on the Leggett amendment.

I would hope that the Members would be willing to vote down the previous question because it is time, I think, that the House have a chance to go on record with respect to the expansion of the war in Indo-China and Congress responsibility for this war. In order that Members may know the provisions of the amendment to the recommitment that will be offered if the previous question is voted down, I include here the text of the Leggett amendment:

In line with the expressed intention of the President of the United States, none of the funds authorized by this act, shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress.

Mr. ARENDS. Mr. Chairman, if the gentleman will yield, I might say to the gentleman—and I am not the one who is going to offer the motion to recommit—but I understand it calls for a rather substantial cut in the authorization, and for that purpose I do not believe it is kind or proper that any of us should question the author of the motion to recommit—that it might be something other than what he thinks it is, because this will be a rather substantial amendment in the reduction of the authorization.

Mr. FRASER. Could the gentleman tell us what the motion to recommit will be?

Mr. ARENDS. No. I have seen the motion to recommit, but I cannot actually quote it. I think it is at the desk.

Mr. FRASER. I would just point out that this unavailability of the text of the motion to recommit illustrates the problem we are faced with.

Mr. ARENDS. The gentleman can hear it as it is read.

Mr. FRASER. We will all hear it as it is read, without having it explained, and with no debate on the motion as is customary.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. PIKE. My understanding is that a motion to recommit will be offered by a member of the committee minority who voted for the bill in the committee and

who has other wise indicated that he supports the bill and who will now, in order to qualify himself for a token recommitment, state that he is opposed to the bill.

Mr. FRASER. That will parallel the situation last year faced by those desiring a clear vote on an issue of real importance, as I recall.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

(Mr. OTTINGER asked and was given permission to revise and extend his remarks.)

[Mr. OTTINGER addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. LEGGETT. I wonder if I could propound a question to the distinguished minority whip who indicates that he has familiarized himself with the motion to recommit, but apparently does not recall the exact text.

Does the gentleman recall whether or not mentioned in the motion to recommit was the ABM or the B-1 or naval shipbuilding or things like that?

Mr. ARENDS. Mr. Chairman, will the gentleman yield so that I may answer the gentleman.

Mr. FRASER. I yield to the gentleman.

Mr. ARENDS. In a hurried reading of the motion to recommit, I think it has to do with research and development entirely, and has to do with the overall reduction in research and development.

#### AMENDMENT OFFERED BY MR. COLLIER

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLIER:

On page 6, after line 8, insert the following:

"SEC. 403. The Comptroller General of the United States is authorized and directed to report to Congress as soon as practicable with respect to the economic feasibility of the deactivation of the facilities of the Forest Park Naval Ordnance Station, Illinois; and until such time as such report is made and the Congress takes action thereon, none of the funds authorized to be appropriated under this Act may be used for the procurement of those weapons or related goods or services which, but for a decision by the Secretary of Defense to deactivate the Forest Park Naval Ordnance Station, would have been procured at such Station during the fiscal year 1971."

Mr. RIVERS. Mr. Chairman, this amendment is subject to a point of order. I think the gentleman will agree with me on that. This is not a construction bill.

Mr. Chairman, I reserve the point of order so that the gentleman can speak to his amendment.

Mr. COLLIER. Mr. Chairman, I thank the gentleman from South Carolina. I shall be very brief in explaining the reason for my introduction of this amendment.

When the Department of Defense ordered a series of cutbacks in various defense facilities in March, one of them was a transfer of the activities of the Forest Park Naval Ordnance Plant which is in my district.

Mr. Chairman, in announcing the proposed disestablishment of that facility, the Department indicated that the savings involved would be approximately \$4,200 a year and the cost of moving would be in the neighborhood of \$10.1 million.

However, an in-depth study of what was really involved there indicated the Department of Defense was completely inaccurate in its figures. In fact, I contend the figures are pathetically incorrect. After a series of hearings changes were made by the Department of Defense in their original figures.

The fact of the matter is that this move will not—and I will stand on this and on a study by the General Accounting Office—that instead of saving money, the proposed action will cost several million dollars. I want the House to know that a subcommittee on which the distinguished gentleman from California (Mr. CHARLES H. WILSON) serves made a trip out there. I feel sure the committee and staff members were favorably impressed with the case we made.

I think this amendment should be adopted. All we are saying is this—let us have a study of the figures. Let the General Accounting Office decide if we are right or the Department of Defense is right. We will abide by the GAO decision.

If I am wrong, or if the General Accounting Office says we are wrong, then there will be no further argument. Could anything be fairer?

Let me now yield to the gentleman from California (Mr. CHARLES H. WILSON), member of the subcommittee that visited the plant at Forest Park and had occasion to study this matter.

Mr. CHARLES H. WILSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I was in Forest Park and I want to tell you I was extremely impressed with the case that was made concerning this. I think many errors were made by the department in connection with the closing of Forest Park station. I think we have an extremely sound case here and it is a just case, whether it is in this bill or wherever it is.

I can assure the gentleman that during the course of our hearings on the military construction bill, we intend to go completely into this matter and find out about all the duplications that are apparently in evidence, and find out just why this is.

Mr. COLLIER. I thank the gentleman. I say the Department of Defense is 100 percent wrong in its estimate, and I will stand on that.

Mr. RIVERS. Mr. Chairman, the amendment is subject to a point of order. While it would be in order on a military construction bill, it has nothing to do with the bill now under consideration.

[Mr. ERLBORN addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The Chair is ready to rule. The Chair feels that the amendment deals with procurement of weapons, that the amendment is germane to the legislation, and therefore overrules the point of order.

The question is on the amendment offered by the gentleman from Illinois (Mr. COLLIER).

The question was taken; and on a division (demanded by Mr. COLLIER) there were—ayes 26, noes 46.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WRIGHT. Are there amendments pending at the Clerk's desk?

The CHAIRMAN. There is one pending amendment.

Mr. WRIGHT. May I inquire further as to who will offer that amendment?

The CHAIRMAN. The gentleman from Ohio (Mr. WHALEN) has an amendment pending, but he has already used his time.

The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANDERSON).

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. WHALEN). This amendment is identical to the one I offered last year to the military procurement bill, and as you will recall, it narrowly lost on a teller vote of 100 to 97. A similar amendment, the so-called Schweiker amendment, did pass in the other body last year.

Let me again point out that there is little that is new in this amendment. The quarterly status reports on major acquisition programs and the complementary GAO audits have been operational for about a year now. On page 10 of the Armed Services Committee report on this bill, the statement is made, and I quote:

The Committee on Armed Services has long been concerned with getting more adequate information on military programs and on bringing Congress more fully into the defense decision-making process.

The report goes on to say, and again I quote:

A principal tool available to the Committee in striving for a better fix on weapons programs is the Selected Acquisition Report, or SAR. The SAR is a summary, recurring report, designed to retain consistent cost, schedule, and performance data for comparison with subsequent estimates.

I want to take this opportunity to commend the Committee on Armed Services for fully utilizing the Selected Acquisition Report and for apprising us of its value in their committee report on this bill. I also want to commend the committee on its candor in spelling out the difficulties it has had in obtaining a full SAR report from the Department of Defense and obtaining it on time. Quoting from page 10 of the Committee report:

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The manner in which these SAR's are presented to the Committee, however, leaves much to be desired. The Department of Defense has sometimes arbitrarily eliminated statistical information or otherwise altered the material submitted to the Committee. The Committee has had examples of items blocked out of SAR's although the careless censor has not bothered to renumber following pages.

And again on page 11 of the committee report:

This kind of statistical footwork serves no purpose other than to confuse the issue and can only lead to the suspicion that attempts are being made to cover up the facts.

At the bottom of page 11 we find another very telling statement:

The Committee is likewise disturbed by the timeliness with which these SAR's are submitted to the Committee by the Department of Defense. In many cases the Committee has not received the SAR's of Program Status Reports based on the SAR's until as much as three months after the close of the reporting period. This greatly lessens their effectiveness to the Committee, particularly during the period when the annual authorization is being considered.

Mr. Chairman, it seems to me that the committee report makes an excellent case for the adoption of this amendment which would require by law that these quarterly status reports be submitted in full and on time for the benefit of the entire Congress. As it now stands, there is no such pressure on the Department of Defense to fully comply with both the letter and spirit of the reporting system. And as the committee report amply demonstrates, the Department of Defense has been lax in fully cooperating with the Congress on this score.

I do not think there is any longer any question as to the need for these quarterly status reports or their value. We recognize that if we are to prevent the recurrence of huge cost overruns which have plagued past programs, we must have an ongoing review of these programs, we must have an ongoing review of these programs and comparative estimates of changing costs, performance, and schedule slippages. We must be equipped with an early warning device which will alert us to any deviations from the original plans and estimates so that we can nip them in the bud.

The only objection which might be raised against making this reporting system a matter of law is that it will not allow for sufficient flexibility in making changes in the reporting system. Let me point out that such a fear is unwarranted because this amendment both encourages and requires an ongoing review of the reporting system with a view to improving it. This amendment in no way prescribes in detail the form and content of the reporting system other than to require the inclusion of current information on cost, performance, and schedule. It gives authority to the Secretary of Defense in cooperation with the Comptroller General to develop the reporting system; and furthermore, it requires that the Comptroller General report to the Congress at least once a year on the adequacy of the reporting system along with recommendations for its improvement.

Another flexible feature of this amendment is that it does not prescribe criteria for which major acquisition programs shall be reported on. This is left once again to the Secretary of Defense in consultation with the Comptroller General and the chairmen of the committees concerned. And so, Mr. Chairman, this law has a great deal of built-in flexibility while at the same time insuring that we do receive full and accurate status reports on time.

As I said last year, I think this amendment offers the only fiscally sound approach to dealing with the problems of procurement which we have encountered. We owe this both to ourselves and the American taxpayer who deserves a dollar's worth of defense for every tax dollar allocated for defense. I strongly urge the adoption of this amendment.

#### PARLIAMENTARY INQUIRY

Mr. WHALEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHALEN. What is the status of the one pending amendment? Will there be a vote on that?

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Ohio.

#### AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN: On page 6, immediately after line 8 add the following:

#### "TITLE V—DEFENSE INFORMATION AND AUDITING OF DEFENSE CONTRACTS

"Sec. 501. The Department of Defense shall keep Congress fully and currently informed with respect to all of the Department's activities. Any Government agency shall furnish any information requested by Congress with respect to the activities or responsibilities of that agency in the field of national security."

"Sec. 502. (a) After January 1, 1971, the Secretary of Defense (hereafter referred to in this section as the 'Secretary'), in cooperation with the Comptroller General of the United States (hereafter referred to in this section as the 'Comptroller General'), shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

"(b) The Secretary shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (A) research, development, testing, and engineering, and (B) production;

"(2) the estimates of cost for completion of the program up to the time of the review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department or agency concerned intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associ-

ated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances therein;

"(6) the estimates as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary shall transmit quarterly to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller Gen-



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eral under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(1) There are hereby authorized to be appropriated such sums as may be required to carry out this section."

Mr. WHALEN (during the reading). Mr. Chairman, inasmuch as this is a lengthy amendment, the so-called auditing amendment adopted by the Senate last year and which lost by three votes in our committee, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. HUNT. I object.

The Clerk proceeded to read the amendment.

Mr. HUNT (during the reading). Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Chairman, I intend to support the Leggett amendment but I do so, in all honesty, with some degree of reservation and reluctance.

I say this because I have long been of the view that the President, as Commander in Chief of our Armed Forces, must have flexibility in the conduct of military operations and that, in many instances, this might preclude prior congressional approval for specific strategic moves.

Today, I am persuaded to support an amendment which would limit presidential flexibility by requiring the prior consent of Congress before committing American group combat troops into Laos, Thailand, or Cambodia. I am persuaded for two overriding reasons. First, our political objectives in South Vietnam, from the very beginning, have centered on securing that country from outside aggression. It was never contemplated, to the best of my knowledge, that American combat forces would be employed outside of South Vietnam in order to achieve security within its borders.

What we have witnessed in recent days has been an overt escalation of the Vietnam conflict by the President, pursuant to his authority as Commander in Chief. We know that the Cambodian adventure was decided upon without consultation of the Congress and we learn that the decision represented a rejection of the caution urged by Secretary of State Rogers and Defense Secretary Laird in favor of the greater latitude which the military has sought since our involvement began.

As I have stated before, in my view it is imprudent and dangerous in the extreme to mortgage our political aims and objectives—which go far beyond troop withdrawals—to the risks and miscalculations which of necessity attend further military operations. It is the worst of poor judgment to do so when the entire chapter in Vietnam has been punctuated by military estimates and actions which have proved disastrously inaccurate, costly, and unproductive.

My second reason for supporting the pending amendment is my strong conviction that the Nation needs and merits some degree of positive assurance that

the ill-advised adventure into Cambodia does not represent permanent abandonment of the policy of deescalation to which the Nation previously had been committed. Under the circumstances, unhappily, the Congress is now the only branch of Government which can act promptly and decisively to provide this assurance. Unless it does so, we can only expect exacerbation of the forces that are dividing the people and result in the kind of tragedy that took place at Kent State University earlier this week.

So the Congress really has no alternative, it seems to me, Mr. Chairman, but to assume responsibility—responsibility which in large measure has been forfeited by the White House.

Mr. WYDLER. Mr. Chairman, this House has to act as a voice of the people and to act responsibly in the face of the situation that now exists.

I was surprised and concerned by the news that American combat forces were involved in operations in Cambodia. I regret that the President found it necessary to take this step to protect American forces.

I do not want the war widened. I do want the withdrawal of American troops to continue.

Now that the action against the sanctuaries has been taken, I hope it will succeed and obtain its objectives. Nothing should be done to endanger American forces and risk our fighting men's lives. Congress should make clear it wants such operations to be limited in time and scope, and I will speak and vote accordingly. Our efforts should be renewed to open an international conference to get a negotiated agreement on Southeast Asia.

We need unity, Mr. Chairman, if we are to achieve peace, not only now in Southeast Asia, but in the years to come all over the world.

Mr. OTTINGER. Mr. Chairman, I have decided not to offer an amendment I intended to introduce today calling for termination of military aid to Arab countries and requesting the President to negotiate the sale of jet aircraft to Israel. The military procurement authorization bill, I am advised, is not the appropriate legislative vehicle for such an amendment since it does not authorize such military aid and the amendment would be subject to a point of order.

To those of my colleagues who intended to support my amendment today, I would like to point out that I have introduced a bill, House Concurrent Resolution 556, with 23 cosponsors, that is essentially identical to my amendment, and I welcome additional cosponsors in the hope that further action on this important subject may be taken.

I want to thank all of those who offered to support my amendment and particularly my friend and colleague, JACK BRINKLEY, Democrat, of Georgia, who worked hard to obtain support for it.

Mr. ADDABBO. Mr. Chairman, in listening to the debate on the Reid-Leggett amendment it would appear that some feel that this type of limitation is wrong, and is something new. I wish to point out that this Congress in the last session passed limitation on military ac-

tion and that action was fully indorsed by the President. In the Defense appropriation bill of last year we wrote into that law that no ground forces could be used in Laos and Thailand and this country had previous commitments to both these countries.

Mr. EILBERG. Mr. Chairman, I supported the amendments of our distinguished colleagues from California and New York, because the administration's decision last week to widen the war was disappointing and ominous. This is hardly the appropriate time in history to discuss how we got involved in Southeast Asia. We are there and the time is past for us to come home, to sail east, not march west.

There is a mistaken view in some quarters that the war protestors are all young, hairy, wild-eyed, self-publicists interested in using the war as the club to fell the giant America. I submit that this is not the case. As a Congressman, I read my mail very closely and my view is that all America, including middle America and the silent majority finally is exhausted with this year.

Let me read on of those letters:

I am one of the Silent Majority. But it is with a sickened heart that I want to scream my outraged protest at President Nixon's high-handed commitment of American troops to Cambodia.

We are a government of the people, with Congress to act out our wishes, yet this one man has seen fit to override Congressional feelings by escalating this senseless, futile, murderous war into Cambodia.

Please stop this tragedy—stop killing our boys. End this nightmare.

I think the decision to march into Cambodia was mistaken because of the presumptions which went into the making of that decision. It was obviously presumed that if American forces cleaned out these Communist sanctuaries, South Vietnam, particularly the Saigon area, would be safe from new attacks. Well we seem not to learn. Guerrillas do not wait for their larger, better equipped foe to confront them. They flee as have the Vietcong and North Vietnamese from Parrot's Beak and Fishhook. And they wait.

When we leave, they will filter back into these sanctuaries and the American deaths incurred there will be futile. Or else, we can chase the enemy to the Gulf of Siam only to find ourselves bogged down in Cambodia and Laos as badly as we have been in Vietnam.

How many times have we occupied a valley or a ridge in Vietnam, cleared it of the enemy, and then withdrawn, only to find that in a matter of weeks or months, the enemy had returned?

It has been reported in some quarters that the Cambodian action was prompted by this administration's desire to make Hanoi talk sense at the peace table in Paris. I answer that the Vietcong and the North Vietnamese will never come to terms in Paris until they realize that it is not the American presence in Indochina that keeps them from their goals, but the strength of the local governments in Saigon and Phnom Penh.

There will never be peace in Indochina until we leave. And there only will be meaningful negotiations when Hanoi



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realizes that Saigon can defend itself without American help. Widening the war does not serve that purpose.

The President's decision also raises a serious question about the balance of powers invested in the three branches of our Government.

Article I, section 8, of our Constitution declares:

The Congress shall have the power to declare war . . . to raise and support armies . . . to provide and maintain a Navy.

These are the so-called war powers of the Constitution. The President's action has raised this serious constitutional question. His failure to consult the Congress, the people's branch of our Government, before taking such a fateful step, compounds the risk to our constitutional form of government.

It has been written that there is no such thing as a good war or a bad peace. As with many aphorisms, this is hard to argue with even though history demonstrates that it has not always been true. But in the case of Southeast Asia, I think it is true. We cannot help those who cannot or will not help themselves. We can not find peace by pursuing war. We keep seeing light at the end of the Vietnamese tunnel, only to discover the tunnel is longer than we thought. We cannot end the bloodshed and the cost, by spilling more blood and spending more dollars. Finally, we can not get on with the job at home, while we are mired down in an endless war overseas.

We must conclude that America's essential interests and security are not at all at stake in Southeast Asia. Even if a military victory were possible—and it is probably not—what would we have gained. A weak government in Saigon or an unpopular government in Cambodia would, after we departed, not stand long even if, as some have urged, we bombed North Vietnam back into the stone age. We are spending an estimated \$30 billion a year in Southeast Asia and the public schools of Philadelphia may not open this fall because of a deficit, variously estimated at between \$30 and \$50 million. We are spending fewer than \$4 billion in Federal dollars on education this year.

Let us not deceive ourselves. The schoolchildren of America are becoming casualties of that war right here at home. We speak bravely of new priorities, education, the environment, but that is all there will be—talk and more talk—until we get out of Vietnam and Indochina and redirect some of those resources here at home.

Ultimately it is this war without end that is tearing America apart. We must end this war for America's sake. Perhaps we could achieve military victory in Indochina, but I shudder at the thought of the cost here at home. Not only the hamlets and villages of Indochina are burning, but so are our cities and our universities.

It is time to withdraw from Southeast Asia. And it is time to pull together. In that patriotic act, we shall save the America we know and love and prevent the grim prospect of a Pyrrhic victory nobody sought and everyone has come to dread.

Mr. BETTS. Mr. Chairman, like everyone else, I am disturbed, distressed, and very much concerned about developments in Southeast Asia. In order to come to some decision I must look to sources that reflect more knowledge of the facts than I have.

For a long time I have claimed that we have allowed the Vietnam situation to build up over a long period of years. In my opinion our foreign aid program of global billion dollar spending has contributed greatly to the present situation. I have never supported it because I always felt that it would lead from one commitment to greater commitments and eventually result in military involvements. Strangely enough, many of those who shouted loudest for these aid programs are now blaming others for the trouble in Southeast Asia.

I am old fashioned enough to believe that Congress should be asked to commit us to war through a declaration. But going back to 1945, this approach has changed. Under treaties such as the United Nations Treaty and Southeast Asia Treaty we authorize the President to commit troops without congressional approval—only at the request of another country which is party to the treaty. The Constitution specifically states that treaties are the supreme law of the land—supreme over congressional acts.

Therefore, I conclude that our presence in places like Korea and Vietnam is perfectly legal even though not by congressional declaration of war. We are there by treaty which is the supreme law of the land and strangely enough many of the loudest supporters of peace through our United Nations and other treaties are now the loudest objectors to the results they have brought us.

For 25 years we have sat idly by and allowed foreign aid programs and treaties to get us into trouble. Many of those who have said nothing until now expect 25 years to be undone at once.

I believe the President is dedicated to seeing the war in Vietnam end. I believe him when he says that the Cambodian incident is a part of the Vietnam withdrawal plan. I believe him because he has around him people who know more about the situation than I do and can advise him on the best way to end this unnecessary and needless conflict. I feel safer in relying on his judgment than on the inflammatory reactions of rioters and demonstrators.

The President did not send our boys to Southeast Asia. He promised to get them out and every step he has taken seems to me to be directed to that end.

It is easy to say he is wrong and that his plan of withdrawal will not work. But, until I have more proof of this from sources other than campus rebellions, it is my present intention to stick with the President. I hope and pray that in spite of the criticism and abuse that is being heaped upon him, he will succeed.

Mr. CLANCY. Mr. Chairman, I wholeheartedly support H.R. 17123 now under consideration by this body and urge its immediate passage. In my opinion, this bill is one of the most important pieces of legislation to come before Congress

each year, if not the most important.

This legislation authorizes appropriations totaling \$20,237,489,000, the bulk of which is for the procurement of urgently needed aircraft, missiles, naval vessels, tracked combat vehicles and other military hardware to keep our defenses at the high level needed at this time. I would like to point out that the total authorization recommended by the committee in this bill is \$34,000,000 less than the amount requested by the Department of Defense. The original request for authorization for procurement and for research, development, test, and evaluation by the Department of Defense amounted to \$20,271,489,000. In procurement the committee made reductions of \$333,000,000 and \$136,000,000 in research and development. This brought the total reduction to \$469,000,000. The committee did make one major addition which was \$435,000,000 for additional ship construction for the Navy.

By passage of this legislation we make a determination of the defense posture necessary to be maintained by the United States in order to insure our national security. It is very difficult to calculate or assign a dollar value to this proposition. So, too, it is impossible to repair the damage that may be caused by either a lapse of time or lack of effort applied in keeping our defenses secure and strong. If we are to maintain America's role of world leadership in the pursuit of peace, we must not only recognize new forces at work, but we must also help to shape an ever-changing world.

This measure is one which attempts to deal realistically with the responsibilities the United States faces in an uncertain and complex international setting. It endorses a posture of constant readiness of our defenses and it underwrites a policy of diversification of those defenses permitting a flexible response in any contest. It provides for the supplementation and modernization of our defense system in accordance with the contemporary developments of those who challenge our security. Looking to the future, we must define our national interests with careful concern for the lawful interests of other nations. We must recognize that before problems can be solved, they must be better defined and better understood.

The legislation before us takes action in several areas that merit particular note and commendation.

Last year phase I of Safeguard was authorized and funded. The purpose was to give a limited defense system to part of our deterrent force. In addition it would provide operational experience for checking out the system. Modified phase II of the Safeguard anti-ballistic-missile system has been designed to receive appropriations totaling \$1,026 million, the amount of the budget request. Tremendous progress in the technology of mass destruction has been made by the adversaries of freedom. More than ever before in our Nation's history, it is necessary for us to have sufficient weapons and force in our military inventory to survive a massive nuclear attack and to deliver a

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decisive counterblow. The present rate of building of the Soviet threat and the long leadtime necessary to develop and deploy operational systems make it essential that we continue with the Safeguard ABM.

It is important to note that the Nixon administration has not during its tenure accelerated the previously planned deployment of offensive systems. It has, in fact, been slowed down. The only major change has been the modification of the previously approved Sentinel ABM deployment. This change was not a speed-up, but was a slowdown. The administration has chosen to defer major new weapons decisions as long as possible pending developments in the strategic arms limitations talks. By continuing with this program we are merely going ahead with programs on which our deterrent policy was formulated by previous administrations.

I realize full well that anti-ballistic-missile defense is not a magical cure-all for the security of the United States nor is it the ultimate defense system. It is evident that technology knows no limits and each decade produces fresh, new challenges and an even greater need for response on the part of the free nations of the world. An essential component in our network of military systems is antimissile defense. It is designed to give America a seamless garment of security in an age of acute danger.

To insure that a technological breakthrough by the enemy against any one element of our strategic force—bombers, land-based missiles, and sea-based missiles—would negate only a part of these forces, \$100 million in authorization for appropriations for research and development for the B-1 aircraft has been requested for fiscal year 1971. I firmly believe that all three elements of our strategic force must be maintained in order to provide an effective deterrent force and a broad ranged war-fighting capability.

The events of the past few years have strengthened the necessity for maintaining a well balanced strategic force. I fully support the B-1 program as it will have a higher penetration speed, quicker reaction time for launch, better electronic countermeasures, larger payload capacity, and greater accuracy with its weapons delivery systems than the B-52 bomber. The B-1's ability to penetrate at lower altitudes and reduced radar cross section are just two of the many technical advances incorporated in this aircraft.

At this time I would also like to state that I firmly support the action in Cambodia recently taken by President Nixon. This decision was truly a courageous act, and the President is to be applauded.

The enemy has occupied sanctuaries on the Cambodian border since 1965. They have made excursions into South Vietnam killing Americans and our allies only to escape across the border to regroup and rearm in safety. For years these elaborate bases have been used by the enemy in full knowledge that they would not be pursued. Increased enemy activity within the past few weeks has made it necessary for the President to take decisive action. The enemy left us no other

choice. They have been offered every concession at the bargaining table in Paris and elsewhere—all to no avail. I firmly believe that the action now underway will deprive the Vietcong and the North Vietnamese of their hit-and-run capability and will be instrumental in the saving of many lives.

It is important to note that the destruction of these encampments and confiscation of their supplies just prior to the rainy season will prevent the enemy from resupplying and rebuilding their efforts for at least 5 to 6 months.

The President is entitled to a much fairer consideration of his courageous action than he is receiving as he has put his country and the safety of his men in Vietnam ahead of the possibility of being rejected at the polls for a second term. He has risen above mere politics—as the lives of Americans are at stake. He would not have taken this step unless he was convinced that it was an absolute necessity and in the national interest. I have confidence in the ability of the President to decisively and responsibly direct our operations to bring our boys home sooner.

I was privileged to attend the briefing at the White House where the President explained in detail the Cambodian situation. This meeting was both constructive and meaningful. I firmly believe that the action now underway will not only be instrumental in saving many American lives, but will add impetus to our policy of gradual withdrawal of troops from Vietnam. Evidence presented at the White House and here today indicates that favorable results from this activity are already being realized. The President's action is not aimed at enlarging the war but is a temporary and limited military operation designed to keep American casualties to an absolute minimum and dedicated to bringing the conflict to a speedy conclusion.

I join with others in praying that this operation will accomplish these goals and provide for a just and lasting peace.

In conclusion, the legislation before us today is consistent with the maintenance of a military posture sufficient to deter aggression on the part of those who strive for world domination. In the best interest of this Nation and to insure that America remains militarily strong, this legislation is necessary and highly desirable.

Mr. SYMINGTON. Mr. Chairman, granting there is nothing in the bill before us which warrants the expenditure of funds in Cambodia, are these amendments and the discussions they occasion untimely or academic? I think not since they permit each of us to voice his views on a matter of life and death, not just for a platoon a day of brave Americans, but conceivably for the Republic itself. There may be better days and better ways to discuss these questions but we must seize the way and the day we have.

I met a group of visitors this morning. Were they Missourians, I asked. No, but Americans nonetheless, they answered. Then they asked a question which all Americans could have on their minds; namely, if the Congress were to shut down and go home tomorrow would there be any discernible change in na-

tional policies; or any less congressional control over them?

Some of us may be persuaded that this is no time to debate foreign policy or Presidential war prerogatives, but tell it to the country. So we do discuss it. And in discussing it we should bear in mind:

This is not a question of confrontation between the Congress and the President. It is rather a question of the constitutional responsibility of this Congress in concert with that of the Presidency—the Presidency as an institution. We know the President is only as effective as his advice and information. We know, too, that we have but one President, but for that very reason we must reassure ourselves that he has not in some way been isolated from the straight facts or the most authoritative interpretation of them.

If the Secretary of Defense does not know what we are doing and the Secretary of State does not approve it, we lack that reassurance and we worry about it. The President may, indeed, have no constitutional obligation to consult his Secretary of State but he does, in fact, have one to consult us. This is the nub of the matter of procedure involved. Substantively, we are presented with the argument that the Cambodian adventure has been instituted to save American lives. This raises three immediate questions:

First. How?

Second. If this Cambodian surprise effort is justified in the name of such a worthy cause, what further unannounced steps would not be justified for the same purpose? Today, Cambodia—tomorrow, what? Therein lies the relevance of an insistence on prior consultation.

Third. Moreover, are not the U.S. lives said to be in jeopardy placed there by policies essentially in question themselves?

If these are important questions, only prior consultation would have enabled the Congress to explore them.

Our Vietnam policy itself, if indeed it can be defined at this moment, undoubtedly rests on an interpretation of the requirements of our own national security. Such security depends:

On the credibility and utility of our worldwide commitments, and on the domestic support for them.

With respect to the credibility of our worldwide commitments, many nations which rely on our support for survival, far from viewing our immersion in Vietnam as proof of the strength of our commitments, see it as reducing our capability to meet other commitments which they may deem more vital to our national interests as well as their own. They cannot be expected to see this huge strain on our resources as operating to their advantage any more than spokesmen for our urgent domestic priorities.

Indeed, only those American policies which enjoy a strong measure of public confidence can be pursued indefinitely. It is clear that after a decade of inconclusive involvement in Indochina there is deep division in our adult society concerning its usefulness and an almost unanimous opposition to it among our young Americans who must fight to sustain it and live with its results.

What is the role of Congress? Congress

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is called upon to tolerate and support what many of us believe is a disorderly policy abroad while preaching order and acceptance of that policy at home. The task would be difficult enough were not the essential prop removed: prior consultation, and the understanding and consent which could flow from it.

Caught in the tug of solemn Presidential promises and public incredulosity, we have a Hobson's choice between countenancing and perhaps unintentionally encouraging dangerous fragmentary forces in our society, or supporting increasingly repressive measures to contain them. The President has given us this responsibility in the name of "Victory." What precisely is the "victory" which the President has in mind? Surely there will be no Arc de Triomphe to march through. The humble but triumphant "Arc" I foresee for Indochina is the bent back of a rice worker unafraid of war.

To participate in a negotiated compromise which would make such an arc at least briefly possible, is the greatest victory I can conceive. But it would be difficult to believe that the seas of ancient Asian tribal, national, and religious hostility will not close over our historically brief interruption the day after we leave, win, lose, or draw. This would make the justification for persisting as referee for 1 more year equally persuasive for 10 more years or longer.

If it is our unshakable purpose to monitor contending factions in Indochina it is more purpose than we have power to fulfill. Whatever our purpose is, I know it cannot justify another decade of American blood and treasure. I do realize, regrettably, that we must proceed in some fashion for another 12 months, if only to use that time to achieve an admittedly interim negotiated settlement of these primeval feuds involving considerable compromise between opposition factions within the South Vietnamese political system—Vietnamization as it were of their politics.

At present no defense is made of the extension of our operations into Cambodia with this rationale. Until we see a clarification of the administration's rationale in line with more reasonable objectives than this nebulous "victory" I will support amendments like those of Mr. REID and Mr. LEGGETT. I do so out of no lack of concern or respect for our troops or their gallant sacrifices; precisely the contrary, their gallantry and sacrifices fully justify and merit their return to this country in the wake of a judicious settlement that incorporates the splendid victories they have already won.

Mr. PRICE of Illinois. Mr. Chairman, I urge my colleagues to oppose the motion to recommit. As I said last Wednesday, April 20, 1970, the R.D.T. & E. portion of this authorization bill was reviewed in depth this year by a subcommittee of nine members of the Armed Services Committee.

Upon completion of our review, the subcommittee agreed unanimously to recommend authorizations totaling \$136 million less than the amount requested

by the Defense Department. The amount recommended in the bill for R.D.T. & E., \$7,265,600,000, is \$30.4 million less than the Congress authorized last year and is \$103.2 million less than was appropriated. The amount recommended is also \$528.1 million less than was authorized for fiscal year 1969 and \$956.8 million less than was requested last year.

In terms of actual buying power, this is the smallest R.D.T. & E. program request that has been submitted in the last decade. In terms of actual effort that can be supported by all of the military departments, considering the increased cost of research and development, the fiscal year 1971 authorization represents about a 7 percent decrease from the fiscal year 1970 level of effort.

I believe this budget is rock-bottom for three basic reasons:

First. We have examined the need for every major project, and believe that only the minimum funds necessary in fiscal year 1971 to assure adequate strength for our future are being provided.

Second. All of the supporting projects, managerial functions and facilities are at a bare minimum. There is no slack; and funds have not even been included to meet the increased costs which result from inflation. As requested, this program results in a civilian reduction of nearly 3,000 in the DOD in-house laboratories together with a reduction of 2,000 military personnel. The impact on civilian employment in the industrial sector will undoubtedly be several times greater. Support of universities has been further decreased at the expense of our technology base.

Third. Finally, in consideration of the technological and military challenges which the Nation faces, the subcommittee concluded that a lesser program would not be prudent.

Speaking as one who has been closely associated with Government research and development programs for the past decade, I am concerned about the trend of financial support for our efforts in this vital area at a time when our valuable technological superiority is being challenged strongly from abroad.

The most serious challenge comes from the Soviet Union, whose annual defense-related research and development investment caught up with ours a year or so ago and now substantially exceeds it. During the past few years, Soviet research and development effort has been growing by roughly 10 percent per year while U.S. R. & D. effort has essentially leveled off.

For the entire decade of the 1960's, Soviet R. & D. devoted to military, atomic energy, and space applications grew by about 13 percent per year, and this vigorous growth rate appears to be continuing. Obviously the Soviets continue to emphasize R. & D. for military, space and atomic energy applications.

Looking at the military component alone, during the 1960's the Soviet military R. & D. increased by about 60 percent while the U.S. military R. & D. increased by roughly 30 percent. Overall, Soviet funding for military, space and atomic energy R. & D. is now about \$16 to \$17 billion while comparable U.S. fund-

ing is about \$13 to \$14 billion yearly. In the last 2 years the Soviets have also shown considerable concern over the lagging technological level of its civil industrial base and appear to be adding resources to this sector, but not at the expense of continued growth in their defense, space, and atomic energy efforts.

Our past national position of technological leadership is being eroded and today is being challenged seriously by both our friends and our potential enemies.

Some critics of military spending have argued that, because other national needs should be assigned a higher priority in the future, Defense R. & D. is less important than the R. & D. related to these other national needs. Other critics add that the Defense Department has dominated university research far too long and that this situation should be changed.

The Research and Development Subcommittee of the Armed Services Committee received some interesting facts on these areas during our recent hearings. For instance, over the last 30 years the Defense Department's share of the national research and development activity has declined significantly. In the late 1940's, most of the Federal support of the Nation's research and development was provided through the Defense Department. Today, the situation is quite different:

First. More than half of the total Federal expenditures for research and development—about \$8.2 billion out of \$16 billion—is provided by civilian agencies.

Second. Almost 75 percent of the total national expenditures for research and development—about \$20 billion out of \$27 billion—is provided by civilian Federal agencies and independent—that is, industrial—organizations.

Third. More than 85 percent of the Federal support for academic R. & D.—about \$1.3 billion out of about \$1.5 billion—is provided by civilian agencies.

These facts should dispel the popular assertion of Defense Department dominance. It should make it clear that the Nation's many growing needs for civilian technology are reflected in the changing national pattern of research and development.

I strongly believe that any further reduction to the authorization bill as proposed by the subcommittee will have a very serious affect on the technology base that is so necessary to our future national security. That vital base of research and technology has been declining for the past 5 years.

I agree with Dr. John S. Foster, Jr., Director of Defense Research and Engineering, who recently testified that—

Further erosion of that base will expose the nation to the technologically based threats of the seventies and eighties, protected only by the technology of the sixties.

As a nation, we cannot afford not to adequately support a national program for the social benefit and security of our citizens, and neither can we afford to overendorse one to the detriment of the other. The Defense research and development appropriation authorized in this bill is the minimum required to maintain



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an adequate defense posture during the decade of the seventies.

Mr. CULVER. Mr. Chairman, I have consistently supported the President's efforts to disengage our forces from the war in Vietnam. I believe the President has made a sincere attempt to deescalate the conflict and to withdraw our troops.

However, in my judgment, the President's decision to extend the war into Cambodia is not consistent with that policy, but on the contrary represents a new and dangerous escalation of the conflict. The President's briefing at the White House last night did not serve to alleviate those fears, but tragically to confirm them.

This violation of the borders of a neutral nation raises the gravest constitutional and international legal questions. In addition, it was done without prior congressional consultation which we had received every assurance would be forthcoming.

This step is of the most questionable military value and the alleged targets, the illusory sanctuaries, will again be operational in a short time within those areas or others, as they have been for many years.

The seriously adverse international consequences of the President's decision to our greater national security interests have to be acknowledged. This action has propelled us, not into negotiation which would reduce tensions, but into confrontation which only heightens them. The effect has been the increased determination of the Communist Chinese and Soviet Governments to assist even more vigorously throughout Indochina, and unwillingness to participate in recent suggested international forums such as were proposed by Indonesia and France to settle problems throughout Indochina. Moreover, it places in serious jeopardy the strategic arms limitation talks between the United States and the Soviet Union to seek a mutually acceptable agreement to reduce the ever-increasing costs and danger to mankind of the insane armaments race.

Finally and perhaps most important, the extent of this tactical military action has to be carefully weighed in its consequences to the stability and tranquility of our own Nation at this most difficult time in our history.

It is painfully clear that no conceivable objective or rationale for our initial involvement and continued war in Vietnam is worth the cost of the increasingly apparent threat to our survival as a free and prosperous nation.

It makes little sense to profess a determination on behalf of our national honor to be sacrificing on this scale—however noble the purpose—to allegedly enable a small and divided people 10,000 miles from America the opportunity to determine its own future, if in the process we only manage to lose our own Nation's future and repudiate our inspirational past.

Mrs. HECKLER of Massachusetts. Mr. Chairman, a foreign policy which results in a savage disruption and polarization of American society is not a viable policy regardless of its strategic or tactical value unless it is absolutely necessary to

the well-being of this Nation. There is no gain to be expected from the move into Cambodia which can possibly make up for the disillusionment and sense of frustration that vast numbers of our citizens feel over their total lack of opportunity to influence our policies.

Nor can any gain come from the Cambodian operation which will make up for the upheaval in our educational system. An upheaval that has already taken four lives and disrupted the academic activities of hundreds of thousands of our youth.

I cannot believe the Cambodian operation was absolutely essential to the success of the President's program of withdrawal. Yet, the President undertook a calculated risk. We must not permit it to broaden the scope of the war nor must it be permitted to extend the stay of our forces in Southeast Asia. The operation must be concluded immediately and our troops must be withdrawn from Southeast Asia at the earliest possible date.

With this in mind I have, after careful study, decided to cast my vote in favor of the amendments offered by the gentleman from New York (Mr. REID) and the gentleman from California (Mr. LEGGETT). I do so to express my concern over the growing, secret U.S. military presence on foreign soil.

I am concerned that we may be moving in the direction of believing we can substitute military might for diplomacy. I am further concerned the policy decisions and commitments are being made in such a manner as to prevent the Congress from exercising its constitutional right to debate or discuss them. In my judgment, unnecessary secrecy has no place in our form of government and to condone such secrecy to subvert the historical tradition which has brought us our leadership position among the nations of the world.

No administration can be granted a blank check. To convey my concern and to make certain that the Congress, as the voice of the people, be consulted in the formulation of foreign policy, I strongly advocate the Reid and Leggett amendments.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the military procurement authorization bill—H.R. 17123—which as reported by the Armed Services Committee is a disturbing reflection of our failure as a nation—and specifically our collective failure in this body with constitutional responsibility to control Government spending—to carry out a thorough review of our national priorities and put our men and money into areas of critical national need. Not only does this bill prove that we have failed, I see no evidence that we really have tried.

Those of us who find fault with this bill do so, I realize, at the risk of being accused of unwillingness to support our men in uniform or of ignorance of the true threat to our security. Yet, I trust that honest men still may differ on this floor, with the clear understanding that each supports the goal of maintaining our national security.

Mr. Chairman, I believe that we and the American public all must understand that we are discussing only the visible

top of the military procurement iceberg. For example, included in this bill are authorizations for major new weapons systems covering only fiscal year 1971 which amount to over \$5.6 billion. Yet current estimates of the total ultimate costs of these systems run as high as \$59 billion, and we all are aware that defense procurement costs have a habit of out-running even the most extravagant initial estimates. Once we have taken the first step into a new program, the next step becomes more defensible, and the next—until we find ourselves in the position of being asked to spend more of the taxpayers' money to protect our initial investment.

I specifically oppose inclusion in this bill of nearly \$1 billion for fiscal year 1971 procurement related to the Safeguard ABM system. This is a monumentally expensive commitment to a weapons system that even our best technical minds—including, I believe, at least three of the past Science Advisers to the President—agree has fundamental technical and strategic shortcomings. Not only is the Safeguard system so vulnerable to enemy attack that it will never be able to do the job intended—whenever the administration decides what that job should be—but I am categorically opposed to any new escalation of the strategic arms race at the time when U.S. negotiators finally have begun talking to their Soviet counterparts in the SALT talks in Vienna. I have no objection, let me add, to the projected spending in this bill of over \$500 million for research on anti-ballistic-missile development, as insurance against the eventuality of a tragic breakdown in SALT.

The same comment extends to the expenditures contemplated in this bill for the procurement of Minuteman III missiles with MIRV warheads. It is increasingly evident by the administration's own testimony that our fixed ICBM missile installations are vulnerable to enemy attack, and that a far greater degree of security would be afforded by new development of underwater systems—if a higher degree of security were required. I fully agree with the position taken by an overwhelming majority of the Members of the other body, which recently voted 72 to 6 in favor of our proposing in Vienna an immediate interim freeze on the development and deployment of both ABM systems and MIRV warheads, to increase the chances for success in SALT.

In addition, the Armed Services Committee has included in this bill an additional \$435 million for new ship construction, above and beyond the Defense Department request. Mr. Chairman, it is not my experience that the budget requests of our military planners are overly modest. I trust the Joint Chiefs of Staff to make at least adequate provision for funds they consider necessary to our national defense. At a time when we are supposedly fighting inflation, and when the Navy already has asked the requisite sums for its ongoing \$30 billion modernization program, I find this additional authorization by the Armed Services Committee incredible.

Furthermore, I am opposed to the in-



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clusion in this bill of authorizations for military procurement which in effect are circumventions of the annual authorizations for military and economic aid. If we are to vote on funds for the military assistance of Laos and Thailand, let us do so openly, not under the guise of our own U.S. defense procurement.

Finally, Mr. Chairman, I think we all should keep in mind as we vote that this is the bill which pays for the equipment to continue the war in Vietnam, indeed in all of Indochina. Our armies move only through a vast mechanism of procurement and supply, and voting "no" on this bill is one means we have to tell the people and the President that we are prepared to finance the reduction of the numbers of U.S. troops in Indochina and their gradual withdrawal, but not an escalation or even a status quo continuation of the war.

I shall vote against this bill, Mr. Chairman, but not—as some of its more zealous proponents might say—because I am unpatriotic, or uninformed of the true threat, or unsympathetic to the needs of our Armed Forces. I shall vote against it because it perpetuates all the dangerous misconceptions of the past as a guide to present policies—policies which I fear are rapidly serving to tear apart the fabric of our society.

Mr. COHELAN. Mr. Chairman, I am voting against the military procurement authorization bill. The amount of this bill, and the various weapons systems it includes, commits the United States to current and future weapons commitments that are subject to the most serious strategic and political considerations and leave many questions which have not been adequately answered in my judgment.

From my perspective, the decision to go ahead with the deployment of the land-based multiple-warhead missile carries with it serious strategic consequences, not only for the SALT talks, but also for an uncontrollable nuclear arms race. It was for these reasons that I offered the amendment to delete the MIRV authorization at this time. Unfortunately, my amendment was not accepted by the Committee of the Whole House where there is no record vote.

The unanticipated and unilateral decision of President Nixon to widen the Vietnam war by committing American ground forces into Cambodia and the resumption of the bombing of North Vietnam has strongly contributed to my decision to vote against this bill. I have strongly supported the amendments designed to assert congressional control of our foreign policy. Unfortunately, these amendments were also defeated.

There are other aspects of this bill that are disconcerting. I have talked about the ABM system. I have for years opposed the construction of this untested system and now a further deployment compounds the initial error.

Many of my colleagues may recall how I fought to have this House accept vitally needed education funds. The total of these funds was \$1.2 billion over the President's education budget for fiscal year 1969, and now the administration blithely announces that the Safeguard

ABM system will cost \$1.6 billion more than originally estimated. The future of America—its children—are traded off against the ABM system that does not work. We know what the objective is in education—the elimination of ignorance. Unfortunately, the same cannot be said for the ABM. Is it the Chinese threat, the Soviet threat, the accidental launch threat? No. I feel the real threat in this bill is mistaken priorities.

There are other items in this bill which reflect these inverted priorities. The line item for a nuclear carrier is an example.

I have noted my objections to the weapon systems—objections based on what I feel are future consequences. While this is a supply bill, my added reasons for voting against it include my protest of the President's action in Cambodia. The damage to our country—our people—is not speculative. It is apparent throughout the Nation at this moment. Congress must assume its responsibilities. It must exercise some control and oversight.

Mr. Chairman, there are other items but the problem still remains one basically of mistaken priorities. I am hopeful that when the conference report on this bill comes back to the House I will be able to support it. I yield to no man in my desire for an adequate defense system; but I feel this bill goes far beyond our needs. Moreover, it siphons off needed funds required for our pressing domestic problems in order to fund questionable military weapon systems.

Mr. VAN DEERLIN. Mr. Chairman, although the RECORD will not show it, I supported the Leggett amendment to require the President to obtain the consent of Congress before committing U.S. ground forces in Laos, Thailand, or Cambodia.

Many of our citizens are deeply concerned about the widening of the war in Southeast Asia. My own mail has been running more than 3 to 1 against the decision of the President to assign U.S. troops to an invasion of Cambodia. As of late this afternoon, I had received 182 letters, telegrams, and phone calls opposing this action and 56 communications favoring it.

I am deeply disappointed that the House has been unable to express any view at all on this very divisive issue in the legislation now before us. I think we owed it to our constituents to let them, as well as the White House, know where we as an elective body stand.

This afternoon's exercise has not been entirely fruitless, however. Those who question the President's action have gone as far as they could under our House rules to express individual doubts. And perhaps the President will be moved in some way by the fact that 132 Members, nearly 40 percent of those voting, were counted in favor of Mr. Leggett's amendment.

Mr. STOKES. Mr. Chairman, once again the Congress is being asked to ratify a military authorization bill which reflects little rational relationship to our country's realistic strategic needs. This observation is in part borne out by the simple fact that at least a dozen amendments are being offered to delete various

authorizations, a majority of which will come from members of the Armed Services Committee.

The immensity of programs and projects covered by the bill virtually defy in-depth analysis. This is obviously one of the great advantages the Pentagon brings to the political arena. Fortunately, those Congressmen and private citizens interested in restraining exorbitant military spending and recycling some of these funds into solving our immense domestic problems have finally recognized this advantage and have begun a systematic survey of our entire defense posture.

The early results of this work shows more clearly than ever the folly we have pursued in the past, and will continue to pursue today should these amendments continue to fail.

While I support all of the amendments which will be offered, two seem so essential that their passage can only be termed vital to our national interests.

The first was offered by the gentleman from California (Mr. LEGGETT) last Thursday which would have eliminated funds for the Safeguard ABM system. By authorizing \$665 million for the ABM, the House has given its endorsement to erection of an immensely costly missile defense system that promises the American people absolutely no protection from the dangers, both real and imaginary, it purports to deter. As I stated during consideration of the fiscal year 1970 authorization bill last fall, all evidence indicated that the system will not properly function; that even if it did function it would be easily overwhelmed in a Soviet attack; and, that ABM deployment constitutes a continuing threat to the strategic arms limitations talks. I would add that it also unjustifiably raises false hopes of security for our citizens, and has become an appropriate symbol of military overspending. Its passage was a tragedy which we can only hope the Senate will rectify.

However, a second and even more important amendment is still before us. This substitute, again offered by the gentleman from California (Mr. LEGGETT), would place a complete prohibition against spending any money authorized by this act to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without prior congressional assent.

I would first emphasize to my colleagues who are supporting the current madness the President is pursuing in Cambodia that passage of the Leggett amendment will in no way restrict him. The law will not take effect until July 1, and by the President's own definitive statement our troops will have been removed by that date.

Second, I would remind you that this would not prevent future use of troops outside of South Vietnam. It would merely place the President on statutory notice that any further such actions must have the expressed consent of the elected representatives of the American people. Do the proponents of escalation fear such a test? The opponents do not.

Mr. Chairman, the lessons of history are often subtle and subject to legitimate

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## CONGRESSIONAL RECORD — HOUSE

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controversy. I would have thought, however, that the lessons of our involvement in the Vietnam war were not. Yet, the President's rhetoric last Thursday night was framed in the same tired, Pentagon logic which has already cost our country over \$100 billion and almost 50,000 lives thus far in Vietnam. It has now also cost four more lives on a campus near my district, and has greatly accelerated the disenchantment of our entire generation with our system of government. We must stop this horror and stop it now. The best beginning is by passing this modest, reasonable amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 30, noes 72.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes, to close the debate, the gentleman from South Carolina (Mr. RIVERS).

## PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEGGETT. Mr. Chairman, what time is it?

The CHAIRMAN. One minute before 7. Mr. RIVERS. Mr. Chairman, how much time do I have?

The CHAIRMAN. The time has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 952, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

In not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

## PARLIAMENTARY INQUIRY

Mr. HUNT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUNT. Mr. Speaker, is a motion to recommit amendable?

The SPEAKER. Not unless the previous question is voted down.

Mr. HUNT. Mr. Speaker, I thank the Chair.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill (H.R. 17123) to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendments:

On page 3, make the following changes:

On line 13 delete the figure "1,647,900,000" and substitute "1,447,900,000",

On lines 14 and 15 delete the figure "2,197,300,000" and substitute "2,097,000,000",

On line 16 delete the figure "2,909,700,000" and substitute "2,709,700,000", and

On line 17 delete the figure "460,700,000" and substitute "410,700,000".

Mr. RIVERS. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 248, nays 146, not voting 35, as follows:

[Roll No. 103]

YEAS—248

Abbott	Carter	Foreman
Abernethy	Casey	Fountain
Adair	Cederberg	Frelinghuysen
Albert	Chamberlain	Frey
Alexander	Chappell	Fuqua
Anderson, Ill.	Clancy	Garmatz
Anderson, Tenn.	Clark	Gettys
Andrews, N. Dak.	Clausen, Don H.	Goldwater
Annunzio	Clawson, Del	Gonzalez
Arendis	Collier	Goodling
Ashbrook	Collins	Gray
Aspinall	Colmer	Green, Oreg.
Ayres	Conable	Griffin
Baring	Corbett	Gross
Beall, Md.	Cowger	Grover
Belcher	Crane	Gubser
Bell, Calif.	Cunningham	Hagan
Bennett	Daniel, Va.	Haley
Betts	Davis, Ga.	Hall
Biaggi	Davis, Wis.	Hammer-
Blackburn	de la Garza	schmidt
Blanton	Delaney	Hansen, Idaho
Boggs	Dellenback	Harsha
Bow	Denney	Harvey
Bray	Dennis	Hastings
Brinkley	Devine	Hays
Brock	Dickinson	Hébert
Brooks	Dorn	Henderson
Brotzman	Dowdy	Hogan
Brown, Mich.	Downing	Holifield
Brown, Ohio	Duncan	Hosmer
Broyhill, N.C.	Edmondson	Hull
Broyhill, Va.	Edwards, La.	Hunt
Buchanan	Erlenborn	Hutchinson
Burke, Fla.	Eshleman	Ichord
Burleson, Tex.	Evins, Tenn.	Jarman
Burton, Utah	Fallon	Johnson, Pa.
Bush	Findley	Jones, Ala.
Byrnes, Wis.	Fish	Jones, N.C.
Cabell	Fisher	Jones, Tenn.
Caflery	Flood	Kazen
Camp	Flynt	King
	Ford, Gerald R.	Kleppe

Kluczynski	Nichols
Kuykendall	O'Konski
Kyl	O'Neal, Ga.
Landgrebe	Passman
Landrum	Patman
Latta	Pelly
Lennon	Perkins
Lloyd	Pettis
Long, La.	Philbin
Lujan	Pickle
McClary	Pirnie
McClure	Poff
McCulloch	Price, Ill.
McDonald, Mich.	Price, Tex.
McEwen	Pucinski
McFall	Quie
McKneally	Quillen
MacGregor	Randall
Mahon	Rarick
Mailliard	Reid, Ill.
Mann	Reifel
Marsh	Rhodes
Martin	Rivers
Mathias	Roberts
May	Rogers, Fla.
Mayne	Rooney, N.Y.
Michel	Rostenkowski
Miller, Calif.	Roth
Mills	Ruth
Minshall	Sandman
Mize	Satterfield
Mizell	Saylor
Montgomery	Schadeberg
Morgan	Scherle
Morton	Schwengel
Murphy, Ill.	Scott
Murphy, N.Y.	Sebellus
Myers	Shriver
Natcher	Sikes
Nelsen	Skubitz
	Slack

NAYS—146

Adams	Gallagher	Olsen
Addabbo	Gaydos	O'Neill, Mass.
Anderson, Calif.	Gibbons	Ottinger
Ashley	Gilbert	Patten
Barrett	Green, Pa.	Pepper
Blester	Griffiths	Pike
Bingham	Gude	Podell
Boland	Halpern	Powell
Bolling	Hamilton	Preyer, N.C.
Brademas	Hanley	Pryor, Ark.
Brasco	Hanna	Railsback
Burke, Mass.	Hansen, Wash.	Rees
Burlison, Mo.	Harrington	Reid, N.Y.
Burton, Calif.	Hathaway	Reuss
Button	Hechler, W. Va.	Riegle
Byrne, Pa.	Heckler, Mass.	Robison
Carey	Helstoski	Rodino
Celler	Hicks	Roe
Chisholm	Horton	Rogers, Colo.
Cleveland	Howard	Rooney, Pa.
Cohelan	Hungate	Rosenthal
Conce	Jacobs	Roybal
Conyers	Karth	Ruppe
Corman	Kastenmeier	Ryan
Coughlin	Keith	St. Germain
Culver	Koch	Scheuer
Daddario	Kyros	Shipley
Daniels, N.J.	Leggett	Sisk
Dent	Long, Md.	Stafford
Derwinski	Lowenstein	Stanton
Diggs	McCarthy	Stokes
Dingell	McDade	Sullivan
Donohue	Macdonald, Mass.	Symington
Dulski	Matsunaga	Thompson, N.J.
Dwyer	Meeds	Tiernan
Eckhardt	Melcher	Udall
Edwards, Calif.	Mikva	Ullman
Eilberg	Miller, Ohio	Van Deerlin
Esch	Minish	Vander Jagt
Evans, Colo.	Mink	Vanik
Farbstein	Monagan	Vigorito
Fascell	Moorhead	Waldie
Ford, William D.	Morse	Whalen
Fraser	Mosher	Widnall
Friedel	Moss	Wilson, Charles H.
Fulton, Pa.	Nedzi	Wolff
Fulton, Tenn.	Nix	Wyatt
Galifianakis	Obey	Wydler
	O'Hara	Yates

NOT VOTING—35

Andrews, Ala.	Foley	Mollohan
Berry	Gialmo	Poage
Bevill	Hawkins	Pollock
Blatnik	Johnson, Calif.	Purcell
Broomfield	Kee	Roudebush
Brown, Calif.	Kirwan	Schneebell
Clay	Langen	Staggers
Cramer	Lukens	Taft
Dawson	McCloskey	Teague, Calif.
Edwards, Ala.	McMillan	Tunney
Feighan	Madden	Yatron
Flowers	Meskill	

May 6, 1970

So the previous question was ordered.  
The Clerk announced the following pairs:

On this vote:

Mr. Andrews of Alabama for, with Mr. Foley against.  
Mr. McMillan for, with Mr. Brown of California against.  
Mr. Johnson of California for, with Mr. Feighan against.  
Mr. Meskill for, with Mr. Foley against.  
Mr. Staggers for, with Mr. Hawkins against.  
Mr. Kirwan for, with Mr. McCloskey against.  
Mr. Broomfield for, with Mr. Clay against.  
Mr. Roudebush for, with Mr. Blatnik against.

Until further notice:

Mr. Mollohan with Mr. Berry.  
Mr. Madden with Mr. Cramer.  
Mr. Purcell with Mr. Edwards of Alabama.  
Mr. Kee with Mr. Langen.  
Mr. Bevil with Mr. Lukens.  
Mr. Gialmo with Mr. Pollock.  
Mr. Flowers with Mr. Schneebell.  
Mr. Yatron with Mr. Taft.  
Mr. Tunney with Mr. Teague of California.

Mr. FRELINGHUYSEN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 326, nays 69, answered "present" 1, not voting 33, as follows:

[Roll No. 104]

YEAS—326

Abbott	Byrnes, Wis.	Eilberg
Abernethy	Cabell	Erlenborn
Adair	Callery	Esch
Addabbo	Camp	Eshleman
Albert	Carter	Evans, Colo.
Alexander	Casey	Evins, Tenn.
Anderson	Cederberg	Fallon
Calif.	Celler	Fascell
Anderson, Ill.	Chamberlain	Findley
Anderson, Tenn.	Chappell	Fish
Andrews, N. Dak.	Clancy	Fisher
Annunzio	Clark	Flood
Arends	Clausen	Flynt
Ashbrook	Don H.	Ford, Gerald R.
Aspinall	Clawson, Del.	Foreman
Ayres	Cleveland	Fountain
Baring	Collier	Frelinghuysen
Barrett	Collins	Frey
Beall, Md.	Colmer	Fulton, Pa.
Belcher	Conable	Fulton, Tenn.
Bell, Calif.	Corbett	Fuqua
Bennett	Corman	Gallagher
Betts	Coughlin	Garmatz
Bevil	Cowger	Gaydos
Biaggi	Crane	Gettys
Bieber	Cunningham	Gibbons
Blackburn	Daddario	Goldwater
Blanton	Daniel, Va.	Gonzalez
Boggs	Daniels, N.J.	Goodling
Boland	Davis, Ga.	Gray
Bow	Davis, Wis.	Green, Oreg.
Bray	de la Garza	Griffin
Brinkley	Delaney	Griffiths
Brook	Dellenback	Gross
Brooks	Denney	Grover
Brotzman	Dennis	Gubser
Brown, Mich.	Dent	Hagan
Brown, Ohio	Derwinski	Haley
Broyhill, N.C.	Devine	Hall
Broyhill, Va.	Dickinson	Hamilton
Buchanan	Dingell	Hammer
Burke, Fla.	Donohue	schmidt
Burke, Mass.	Dorn	Hanley
Burleson, Tex.	Dowdy	Hanna
Burlison, Mo.	Downing	Hansen, Idaho
Burton, Utah	Dulski	Hansen, Wash.
Bush	Duncan	Harsba
Byrne, Pa.	Dwyer	Harvey
	Edmondson	Hastings
	Edwards, La.	

Hathaway	Miller, Ohio	Scherle
Hays	Mills	Schwengel
Hébert	Minish	Scott
Heckler, Mass.	Mink	Sebelius
Henderson	Minshall	Shipley
Hicks	Mize	Shriver
Hogan	Mizell	Sikes
Holifield	Monagan	Sisk
Hosmer	Montgomery	Skubitz
Howard	Moorhead	Slack
Hull	Morgan	Smith, Calif.
Hungate	Morton	Smith, Iowa
Hunt	Murphy, Ill.	Smith, N.Y.
Hutchinson	Murphy, N.Y.	Snyder
Ichord	Myers	Springer
Jacobs	Natcher	Stafford
Jarman	Nelsen	Steed
Johnson, Pa.	Nichols	Steiger, Ariz.
Jonas	Obey	Steiger, Wis.
Jones, Ala.	O'Neal, Ga.	Stephens
Jones, N.C.	O'Neill, Mass.	Stratton
Jones, Tenn.	Passman	Stubblefield
Kazen	Patman	Stuckey
Keith	Patten	Sullivan
King	Pelly	Symington
Kleppe	Pepper	Talcott
Kluczynski	Perkins	Taylor
Kuykendall	Pettis	Teague, Tex.
Kyl	Philbin	Thompson, Ga.
Kyros	Pickle	Thomson, Wis.
Landgrebe	Pirnie	Tiernan
Landrum	Poff	Udall
Latta	Preyer, N.C.	Van Deerlin
Leggett	Price, Ill.	Vigorito
Lennon	Price, Tex.	Waggonner
Lloyd	Pryor, Ark.	Wampler
Long, La.	Pucinski	Watkins
Lujan	Quillen	Watson
McClary	Railsback	Watts
McClure	Randall	Weicker
McCulloch	Rarick	Whalley
McDade	Reid, Ill.	White
McDonald	Reifel	Whitehurst
Mich.	Rhodes	Whitten
McEwen	Rivers	Widnall
McFall	Roberts	Wiggins
McKneally	Rodino	Williams
MacGregor	Rogers, Colo.	Wilson, Bob
Mahon	Rogers, Fla.	Wilson, Charles H.
Mailliard	Rooney, N.Y.	Winn
Mann	Rooney, Pa.	Wold
Marsh	Rostenkowski	Wright
Martin	Roth	Wyatt
Mathias	Ruppe	Wydler
Matsunaga	Ruth	Wylie
May	St Germain	Wyman
Mayne	Sandman	Young
Meeds	Satterfield	Zablocki
Melcher	Saylor	Zion
Michel	Schadeberg	Zwach
Miller, Calif.		

NAYS—69

Adams	Gude	Ottenger
Ashley	Halpern	Pike
Bingham	Harrington	Podell
Bolling	Hechler, W. Va.	Powell
Brademas	Helstoski	Rees
Brasco	Horton	Reid, N.Y.
Burton, Calif.	Karth	Reuss
Button	Kastenmeter	Robison
Carey	Koch	Roe
Chisholm	Long, Md.	Rosenthal
Chohelan	Lowenstein	Roybal
Conte	McCarthy	Ryan
Conyers	McCloskey	Scheuer
Culver	Macdonald	Stanton
Diggs	Mass.	Stokes
Eckhardt	Mikva	Thompson, N.J.
Edwards, Calif.	Morse	Ullman
Farbstein	Mosher	Vander Jagt
Ford	Moss	Vank
William D.	Nedzi	Waldie
Fraser	Nix	Whalen
Friedel	O'Hara	Wolf
Gilbert	O'Konski	Yates
Green, Pa.	Olsen	

ANSWERED "PRESENT"—1

Riegle  
NOT VOTING—33

Andrews, Ala.	Foley	Mollohan
Berry	Gialmo	Poage
Blatnik	Hawkins	Pollock
Broomfield	Johnson, Calif.	Purcell
Brown, Calif.	Kee	Roudebush
Clay	Kirwan	Schneebell
Cramer	Langen	Staggers
Dawson	Lukens	Taft
Edwards, Ala.	McMillan	Teague, Calif.
Feighan	Madden	Tunney
Flowers	Meskill	Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Staggers for, with Mr. Hawkins against.  
Mr. Johnson of California for, with Mr. Clay against.  
Mr. Blatnik for, with Mr. Brown of California against.

Until further notice:

Mr. Foley with Mr. Berry.  
Mr. Yatron with Mr. Cramer.  
Mr. Madden with Mr. Meskill.  
Mr. Feighan with Mr. Broomfield.  
Mr. Kee with Mr. Langen.  
Mr. Andrews of Alabama with Mr. Edwards of Alabama.  
Mr. McMillan with Mr. Lukens.  
Mr. Gialmo with Mr. Pollock.  
Mr. Mollohan with Mr. Roudebush.  
Mr. Purcell with Mr. Schneebell.  
Mr. Flowers with Mr. Teague of California.  
Mr. Kirwan with Mr. Taft.  
Mr. Tunney with Mr. Dawson.

Mr. ADAMS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND REMARKS

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks.

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered. There was no objection.

#### MAY 8, NATIONAL DAY OF MOURNING

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am introducing a resolution providing that it be the sense of the House of Representatives that Friday, May 8, 1970, be designated and observed as a national day of mourning for the Kent State University students who have died and for all those who have died in the war in Southeast Asia. On that day, I hope that not a wheel will turn, not a classroom door will open in the width and breadth of our land. For on that day, we will reflect on the death of the four students shot down at Kent State University by the Ohio National Guard. On that day, I hope the President, who has escalated the harsh rhetoric in this country, pauses and reflects on the causal relationship existing between his labeling students "bums" and the Vice President referring to other students as "paranoids" and the death of those four Kent State University students.

By their intemperate speeches, the administration has encouraged the forces that would repress all dissent in our country. By turning a deaf ear to the legitimate grievances of the poor, the blacks, and the young, the President has consciously aggravated their frustrations and increased the violence. This is a terrible abuse of the awesome power of the Presidency. Mr. Nixon was elected to be President of all the American people and

CAMBODIA

WASHINGTON POST

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DATE

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PAGE

1

# Ellender Blasts Failure to Find Enemy Center

By George C. Wilson

Washington Post Staff Writer

The failure to find the enemy's headquarters in Cambodia looks like the biggest intelligence blunder since Gen. Douglas MacArthur failed to predict that the Chinese would enter the Korean War, Sen. Allen J. Ellender (D-La.) said yesterday.

"If they don't find that headquarters pretty soon, there's going to be a hell of a stink here in Congress and hell to pay for Nixon politi-

cally," Ellender said. He referred to North Vietnamese operations headquarters, said to be the target of the American offensive.

The senator said in an interview that Gen. John D. Ryan, Chief of Staff of the U.S. Air Force, and Air Force Secretary Robert C. Seamans Jr. agreed with him that the headquarters was the "big thing."

Ryan and Seamans appeared before a closed hearing of the Senate Defense Appropria-

tions Subcommittee yesterday which Ellender chaired.

"They still may find the headquarters," Ellender said. "But that was the big reason they went in there—to find it and break up all the communications. The President said so—publicly."

American intelligence officers long have portrayed COSVN (Central Office South Vietnam) as the combined command center for Vietcong and North Vietnamese operations over most of South Viet-

nam. The two COSVN centers were said to be in the Cambodian area referred to as "Fishhook."

President Nixon, in announcing the attack against Fishhook, said on April 30 that "American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam."

See ELLENDER, A14, Col. 1

## ELLENDER: From A1

"This key control center,"

Mr. Nixon continued, "has been occupied by the North Vietnamese and Vietcong for five years in blatant violation of Cambodia's neutrality."

White House officials, in explaining the President's speech and the reason for the Cambodian assaults, said an objective was to break up the communications at the COSVN headquarters.

"They found a few little things," Ellender said of the operation to date. "But nothing big."

The senator said he suspected the great size of the American intelligence operation prevented hard, clear information from emerging on the COSVN headquarters.

Referring to the disadvantages of huge staffs, Ellender said, "I've got one good economist and one good lawyer on my staff, so they can't pass the buck. If I were to tell you the number of people and the money we put into intelligence, it would knock you out of your chair. I don't see how anybody can use all the stuff we collect."

"President Nixon has fallen for the same kind of intelligence" that Gen. MacArthur gave President Truman about Chinese intervention in the Korean war, Ellender said.

The suspected location of the COSVN headquarters was bombed by B-52 bombers the night President Nixon spoke. Military officials believe COSVN is a mobile headquarters and have not given up on finding it in the current operation in Cambodia.

Besides Ellender's doubts about the Cambodian operation, Sen. J. W. Fulbright (D-Ark.) expressed some other ones about Defense Secretary Melvin R. Laird's insistence that the United States is bombing only anti-aircraft sites and associated supplies in North Vietnam.

guage in Laos when they bombed with armed reconnaissance," Fulbright said.

As for this past weekend's raid against North Vietnam by more than 100 planes, Fulbright said: "To ordinary people in the Ozarks, it's a resumption of the bombing of the North."



## Fulbright Unit Says Nixon Usurps Power

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, May 4—

The Senate Foreign Relations Committee complained today that the Nixon Administration, by sending American troops into Cambodia "without the consent or knowledge of Congress," was usurping the war-making powers of Congress.

The committee, which is headed by Senator J. W. Fulbright, also charged that over the years the Executive branch had been "conducting a constitutionally unauthorized, Presidential war in Indochina." The charge was promptly rejected by the White House, which contended that President Nixon was relying upon his constitutional powers as Commander in Chief.

"The action which the

Continued on Page 4, Column 4

Continued From Page 1, Col. 7

President has called for in Cambodia is in relation to territory occupied by North Vietnamese and Vietcong groups and the action we are taking in relation to this force, which is jeopardizing the security of U.S. forces in Vietnam," the White House press secretary, Ronald L. Ziegler, said. "He has taken this action as Commander in Chief."

The Senate committee reluctantly agreed today to attend a White House briefing on Cambodia tomorrow along with the larger House Foreign Affairs Committee, but the members still were seeking a separate meeting with President Nixon.

The Senate committee's complaint, combined with the difficulties encountered in working out arrangements for a White House meeting, reflected the seriousness of the constitutional controversy developing between the committee and the White House as a result of the military operations in Cambodia.

The committee's complaint was contained in a report urging the repeal of the Gulf of Tonkin Resolution, which was approved by Congress in August, 1964, after a naval encounter with North Vietnamese vessels in the Tonkin Gulf. The resolution gave the President authorization to take "all necessary steps" to repel aggression in Southeast Asia and was used by the Johnson Administration as the legal basis for the military buildup in Vietnam.

Last Friday, the Senate committee requested a private meeting with the President to discuss developments in Southeast Asia. The President acceded to the request, but also invited the House Foreign Affairs Committee to attend the meeting, set for tomorrow afternoon. He also arranged for a separate meeting in the morning with the House and Senate Armed Services Committees.

The 15-member Senate committee today reluctantly but unanimously accepted the President's terms for the meeting. But Senator Fulbright, Democrat of Arkansas, made clear that the meeting, which he described as a "briefing" rather than a "consultative exchange of views," was not regarded by the committee as a substitute for the separate conference it had requested.

Representative Thomas E. Morgan, chairman of the House committee, welcomed the President's invitation, asserting that "the House and Senate share an equal responsibility in this vital matter and my only regret is that the invitation was not extended even sooner."

As reflected in the statement by Mr. Morgan, a Pennsylvania Democrat, some of the leading members of the House committee were reported to have been annoyed at what they regarded as the presumptuousness of the Senate group in requesting a private meeting with the President and to have conveyed

their feelings to the White House.

By including the 38-member House committee, which has been far more pro-Administration than its Senate counterpart, the White House also succeeded in assuring a more sympathetic audience for the President in his Cambodian decision.

"The decision was a Presidential one, and in making his decision, the President had to consider the calculated risks of action and the calculated risks of inaction," the Speaker said. "The decision having been

made and now being carried out, we should all hope the results will be favorable and contribute toward an early, honorable peace."

By declining, at least for the moment, to meet separately with the Senate committee, President Nixon, in the opinion of some leading Republicans on the committee, has exacerbated his relations with a group that is increasingly intent on circumscribing his power to carry out military activities in Southeast Asia.

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## CONGRESSIONAL RECORD — SENATE

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names of the members of the Mexican delegation be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

MEXICAN DELEGATION  
FROM THE SENATE

Sen. Manuel Bernardo Aguirre, *Chairman*; Sen. Manuel Tello, Sen. Mario C. Olivera Gómez Tagle, Sen. Cristóbal Guzmán Cárdenas, Sen. Arturo Moguel Esponda, Sen. Alicia Arellano Tapia, Sen. Mario Morua Johnson, Sen. Luis Gomez Zepeda, Sen. Manuel Sarmiento Sarmiento, Sen. Raul Llanos Lerma, and Sen. Raul Bolaños Cacho.

FROM THE CHAMBER OF DEPUTIES

Dip. Joaquín Gamboa Páscote, Dip. Alfonso de Alba Martín, Dip. Hesiquio Aguilar Marañón, Dip. Raul Noriega Ondovilla, Dip. Maria Guadalupe Aguirre Soria, Dip. Adolfo Ruiz Sosa, Dip. Alfonso Meneses Gonzalez, Dip. Juan Manuel Berlanga, Dip. Ignacio González Rubio, Dip. Jose Arana Morán, Dip. Silverio R. Alvarado, Dip. José Angel Conchello Dávila, Dip. Hilario Galguera Torres, and Dip. Alfonso Argudín Alcaraz.

Mr. MANSFIELD. Ladies and gentlemen, we are delighted to have you with us.

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief recess subject to the call of the Chair, so that we may greet our distinguished visitors personally.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, the Senate will stand in recess subject to the call of the Chair.

Thereupon, at 12 o'clock and 40 minutes p.m., the Senate took a recess, subject to the call of the Chair. Senators greeted the distinguished visitors at the rear of the Senate Chamber.

Upon the expiration of the recess, at 12 o'clock and 48 minutes p.m., the Senate was called to order by the Presiding Officer (Mr. HUGHES).

*Cambodia*  
RECOMMITTAL OF SENATE CONCURRENT RESOLUTION 64, A CONCURRENT RESOLUTION TO TERMINATE CERTAIN JOINT RESOLUTIONS AUTHORIZING THE USE OF THE ARMED FORCES OF THE UNITED STATES IN CERTAIN AREAS OUTSIDE THE UNITED STATES

Mr. WILLIAMS of Delaware. Mr. President, I direct the attention of the Senate to Calendar Order No. 838, Senate Concurrent Resolution 64, offered by Senators MATHIAS, MANSFIELD, JAVITS, and PELL. This is the so-called Tonkin resolution.

This resolution was approved by the Committee on Foreign Relations on April 10 and ordered reported, and then on May 1 it was decided to make it a concurrent resolution rather than a joint resolution, and, purely as a pro forma procedure, it was reintroduced and reported out on the same basis without any further discussion.

Much to the surprise of the members of the committee, we found yesterday—or I found last night—that in writing the committee report the staff got a little overzealous and wrote their own views

into the report, including their views on the events that have occurred in the last few days, particularly relating to the Cambodian incident. Although the resolution was reported on April 10 they refer to actions later in April, the President's speech of April 30, and the so-called Cambodian venture and express their opinions in rather clear terms. This is a serious departure from Senate procedures.

I respect the right of members of the staff to have their personal opinions, but I do question strongly the propriety of the staff trying to write those opinions into a committee report without the knowledge of the committee members and then releasing it over the name of the Committee on Foreign Relations. This report was released to the press and the country as though the Committee on Foreign Relations had approved the report. This is a serious matter involving not only the integrity of the Foreign Relations Committee but also the security of our country.

I have discussed this matter with the chairman and various other members of the committee, and they are all in complete agreement that this is an inexcusable procedure and that there is no choice except that this proposal go back to the committee, and the committee can then take its own action and prepare its own report.

As the result of this indefensible action of the committee staff the country and the world has been given the impression that the Senate Foreign Relations Committee has unanimously condemned the President for his recent decision when in fact the committee has neither taken nor considered such action.

I shall not go into detail as to the errors in the report other than to call attention to the fact that in one instance they refer to the President's speech of April 30. By no line of reasoning could the committee on April 10 have had any knowledge of that, nor could we have had any knowledge of the events of the past few days.

It was the desire of the sponsors of the resolution and the desire of the committee that the report be kept strictly to the events relating to this particular resolution so that it could be handled on its merits. It is for that reason that I am going to ask unanimous consent—because I understand there will be no objection to this procedure—that this resolution and this report be referred back to the committee. First, however, I should like to yield to the Senator from Kentucky, and then I think the Senator from Arkansas will want to speak.

Mr. COOPER. Mr. President, I join with the Senator from Delaware (Mr. WILLIAMS) in asking that the resolution together with the report be recommitted to the Committee on Foreign Relations. I do so for the reason that it is the report of the staff, and not of the committee.

On April 10, the committee agreed to report a resolution repealing the Tonkin Gulf resolution and the Middle East resolution, because repeal could be accomplished by action of Congress. Several times since April 10—the last time was last Saturday—I inquired of the staff

whether a draft report had been completed. I did so, as I am sure other Members did, to have an opportunity to read the draft report, to determine if it was compatible with my views, the views of other members of the committee, and also to suggest changes to be considered by the committee. I did not see the draft. Yesterday morning, when we were meeting upon the question of what action the committee might take with respect to Cambodia, and the final printed report was before us. There was not time to read it in committee. Last evening, I studied it with care, and I had prepared remarks presenting my own views, which are not compatible with some of the positions and language expressed in the report.

I have previously expressed my views upon Cambodia, but I must say that I do not think it proper to use this report as a vehicle to attack the President of the United States, when it has not been considered by the committee.

There are serious questions about the respective constitutional powers of the executive and the legislative branches. It is a gray area. In fact, most of the authority—both the Supreme Court and the leading writers—provide great powers to the President as the Commander in Chief of the Armies, after a war has commenced.

I had hoped that before any action had been taken, Congress would have been consulted. But that is another question.

I join with the Senator from Delaware in urging that the resolution and report be recommitted, in order that we may have an opportunity to study the report and to make our own suggestions.

Mr. WILLIAMS of Delaware. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I think it is proper for this report to be recommitted, in order to delete the references to Cambodia, as the Senator from Delaware suggested.

I must say that I take some responsibility for not having noticed this. It is quite correct that the report should not have dealt with developments involving Cambodia. The only excuse I have is that Friday and yesterday were very strenuous days, with a great many meetings and other things going on, and I did not have an opportunity to reread the report before it was filed. I had read the original draft. But, as Senators will recall, we got into difficulty on the original report because of the recasting of the resolution in the form of a concurrent resolution in order to comply with the express repeal provisions in the Tonkin Gulf and the Middle East resolutions. Technically, the parliamentarian informed us, the proper way to handle the problem was to introduce another concurrent resolution. I say that by way of background.

Emotions that have risen with regard to Cambodia have been injected here and, I agree with the Senator, improperly.

I am aware of two items concerning Cambodia, and I invite the Senator's attention to them—if that is all he had in mind—for my own guidance.

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Barney Kelly, Kent Greiger, Lenore Levine, Ed Bernan, Mrs. Donald T. Devine, Doris Durkin, Michelle Ryka, Keni Connelly.

John Cahill, Charles Hopkins, Frank Flind, Conzld, Susan Polizzi, Seol Harper, Edwin F. Elssman, Margaret Lieu, Robert Mundy, Miles Nelson, Michael J. Hodyreth, PFC Kenneth A. Pencirai, Cpl. Gregory E. Hood, Mr. and Mrs. Paul K. Walker, Jr., Doug Pldwing, Elliot U. Stein, Marcia Adams, J. Godsun.

Maury J. Mechanicz, Shella Woods, Thomas E. Hudson Jr., J. Peter Maly, Bob Adams, Frank J. Sirinni, PFC Robert Burr, PFC Albert Huff, Celeste Sturte, N. Radoonso, Joe Harfel, Paul N. Nicfha, Robert Goldstein, William Patterson, Wm. Joy, Jr., Margaret Massli, Chris Ru.

Donna Gedder, Pam Sullivan, Lucy Speed, Micky Pridman, Lynn Reifmore, Joshua Brooks, D. Watt, Douglas Linneman, King Rhinehart, Bill Howell, Marsha Route, Paul H. Fleming, Adelaide V. Williams, John Wroblewski.

Stephen Cockrell, Larry W. Sanders, Jerome Sarkis, W. N. Williams, Edward C. Smith, Chautal Leprence, Arnold Ward, Patricia Halvorron, Terese Minn, Jim Cassell, Sigan Hermansi, Steve Kebbler, Paul J. Kenney, William A. Russell, Lynn Pearson, Lee Crawford.

Lindsay Mathison, 2330 Great Falls, Falls Church, Va. 22046.

Bob Caplan, 6811 Riggs Manor Dr., Hyattsville, Md. 2078.

Jaime Medina, John Machl.

Thomas DeVenning, Richard Eurich, Stuart Yesson, Duance S. Cooke, James W. O'Brien, Fred Cohe, Eva Isleman, Ruth Levy, Richard H. Capet.

Larry Gallagher, Richard Taylor, David E. Bailey, Ann Robert A. Lawrence, Jim Lunds, David Minsh, R. Agulre, Arlene Edney, M. Siegel.

Rosemary Shiras, Billie Jean Goalty, Carol J. Jacob, M.D., Carol Moody Becker, Eleanor M. Carney, Natalie Shiras, Lee Valerian.

Jerry F. Delengowski, Peggy Blackman, Claudia Dunn, Karn Baumlinger, Robert Kath, Judith M. Koenick, Stephen C. Daugherty, Eloise S. LaRue.

Ricki Mayer, Jacqueline Davis Metzner, Sally Bunting, Phyllis Pattr, Latie Starwish, Ellen Hurley, Ellen S. Masi, Doretta Williams, Kathleen M. Hudak, Demetra Smith, Ellen Levy, Donna Refenrath.

Lisa Applebann, Angela Fox, Lafayette M. Whitte, Lydia Kayden, Clyde Gron, Laura Appelbaum, Michael J. Parker, David E. Mayoan, Willie Ludis, Donna R. Smith, Hope Appelbaum, Janne Appelbaum.

John M. White, Robert F. White, Elorunlit Borlick, Mourun Mullan, Patricia S. Fleming, Carol Conn, Nancy Conn, Elizabeth I. Conn, Amy Conn, Janet Dowling, Nancy Othmer, Judith G. Nelson, Puffy K. H. Lark, George Moore.

Sylvia Eluhardt, Gordon George Ryan, Hars Boespard, Alice Evane, Janet Evans, Mike Odom, Moe Shulmal, Robert Hoffman, Fuevu S. Hoffman, David Olme, Gregory Anthon, Betsy Davis, Dulin Butobn.

Deborah Daw, Libby Mark, Kempy Miles, Matthew Selser, Chester Ives, Lurin Meriman, Helen Sumerswell, Leah Ahrens, Kay Kincir, Hillary Sanders, Michelle Daw, Buddy Dingman, Peter Schetter, Phyllis Daw.

Robert B. Wallace, Jane J. Wallace, Judith M. Rolin, James C. Tison, William R. Bradley, Charles Taylor, Paul Brany, Nancy Ramsey, John J. Pajah, Elizabeth C. Pajah, Barbara Halpern.

Valerie Kozel, Mrs. Cora Hamilton, Sebacele Bigelero, Kathleen Noe, Gwen Mullen, Margaret Brosnan, Terry H. Aley, Mrs. Herbert Peress, Beau Roland, Cindy Sutton, Tami Peress, Mark Peress, Bobbo Brooks, Frances C. Flaupau, Tish Kendig, Melinda Alford, A. B. Early, Barbara Early, Mrs. Benjamin Achenbach, Mito R. Woods.

Theo Uthoreleyo, Jernan Helshell, Steve Foley, B. J. Popouiter, Brian Coleman, Aimee Segy, Robin Dienkey, Richard G. Deare, James Gibson, Jay Seidler, J. Dea Charmish, Cathy Conn, Malb Pickling, Evangeline G. Legg, Carolyn Worrall.

Charlotte Schneiderman, 3503 Northington St., NW., Washington, D.C.

Freeman R. Legg, 5700 Broad Branch Dd., N.W., Washington, D.C.

Penny Kohn, Mark E. Ste, C. Remert, Dick Mezy, Milt Peiffer, Philip N. Smith, Jr., Philip K. Maxwell, Jeannette S. Cason.

Robert Martin, Franklin Gleason, James O. Deborah M. Doolin, Judy Warrington, Tom Barskale, Steve Yudouh, Elaine Conley, David E. Hopmann.

Mike Conroyd, John Reed, Bruce Elmer E-5 U.S.A., Jeff Stevens, Jeb W. Pendelton, Jr., Jimmy Kendall, Paula Palton, Darek Meisinger, Kathy Creekmore, Joyce Love, Donald J. Winn, Chas H. Davis.

Parry Lelfert, Gill Smith, Thomas M. Jarry, Scot Oeves, John Paul Shea, Timothy Louty, Ed Kaine, Marguerite Adams, Milton Shaw.

Bobby Stratton, Chuck Milleris, Pat Ellis, Darek Meisinger, Ken Lohnaug, Mrs. R. I. Barnee, Margaret Austin, Mrs. Kathryn B. Rex, Noel A. Myers, Lee Black, Steven Yunker, Kathleen Sullivan, Carol Mears, Della R. Hasyney, Darlene Rush, Morton Namrow.

Ronald Lee Wilson, Van W. Carney, Paul K. Leather, Michael J. Bow, John Longton, Charles G. Renfro, Patricia E. Renfro, Penny Hill, Mary Roach, Shannon Fowler, Victor Thoen, Joseph Hare, Earl Holliman, Danny Wushard, Pete Graham.

Edward L. Smythe, Bob Z. McLaughlin, Nancy Diamond, Linda Smith, Nasty Bob, Linus Peppernickle, Lone Ranger, Guy Bar, Licorice, Suzy Rogers, Sally Adams, Christopher Barrett, Jo Anne Myers, Thomas E. Harper, Bobby C. Ferguson, James E. Ferguson, Donald Duck, Humphrey Bogart, Ed Bernan.

Davy H. Widaral, Jr., Tiny, Toni Ormlie, John Esperosa, Linda Altman, Ely Greenley, Bonnie Lasky, Stephanie L. Lewis, Jim Enyart, Christine Cuffer, Elizabeth Silva, William Jones, Vincent Jones, Jesse M. Baslett, Walter Debram, Carl Barnes, Mike Gee, Robert J. Miller, Lydia L. Harry, Mark Harrison, John J. Ekberg.

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Montana (Mr. MANSFIELD), by previous consent, is now recognized.

Mr. MANSFIELD. Mr. President, I am sorry to interrupt this debate, which I think is highly significant and certainly is immediately of the greatest importance; but in view of the fact that we have a number of distinguished visitors in the Chamber, I am first going to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is anticipated that, at the conclusion of my remarks, and a brief recess, the distinguished senior Senator from Delaware (Mr. WILLIAMS) will make a motion which I think the Senate will find interesting, to say the least. So I would urge all Senators to stay on the floor for

the purpose of hearing what the distinguished senior Senator from Delaware and other colleagues on the Committee on Foreign Relations, including the chairman, will have to say about the Gulf of Tonkin resolution.

## VISIT TO THE SENATE BY DISTINGUISHED MEMBERS OF THE CONGRESS OF MEXICO

Mr. MANSFIELD. Mr. President, it is always an honor for the Senate to have in this Chamber our colleagues from the Mexican Senate and the House of Deputies. The Mexican-United States Interparliamentary Group is now marking a decade of existence, 10 years in which we have had meetings to discuss mutual problems, mutual difficulties, and to try to arrive at mutual understandings.

We have learned a great deal from our colleagues in the Mexican Congress. They have taught us much. They have shown a dignity and an understanding which has made us a better people because of our knowledge of them, because of our friendship with them, and because of the unfailing courtesy and hospitality they have shown to us down through the years.

Mr. President, Mexico is a great country. Mexico is one of the few countries in the world with a hard currency. Mexico is one of the few countries in the world which is really trying to do something for its people and to do it under a democratic system.

There is a great deal of community of interest between our two countries. There have been times when we have acted hastily. There have been times when we have regretted what we did. But I would hope that the community of interest and the community of ideas would keep our countries close together; that we would consult with one another on the basis of equality on questions of mutual interest; and in that way be able to contribute not only to the welfare of our own nations, but to the welfare of the hemisphere and the world as well.

Mexico has made many, many contributions in the field of the arts and in the field of education, where I think somewhere on the order of 40 percent of the Mexican budget is spent. Almost 40 percent of the budget is put in the field of education. We could learn a great deal from what our neighbor to the south has done. The result is that the Mexican people have a stability in government. They have a continuity which has proved its worthiness. They have achieved a degree of success unparalleled in view of the scarce resources they have and their rapid increase in population.

Mr. President, it is my honor at this time to introduce the delegation from the United Mexican States. I shall not call off all their names, but I wish to mention the chairman of the Senate delegation, Senator Manuel Bernardo Aguirre, and the chairman of the delegation from the Chamber of Deputies, Deputy Joaquin Gamboa Pascoe.

I ask unanimous consent that the

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On page 3, there are four or five lines reading as follows:

By its action of April 1970 in initiating within the territory of Cambodia without the consent or even the prior knowledge of Congress or any of its committees, the Executive branch has shown disregard not only for the national commitments resolution but for the constitutional principles in which that resolution is rooted.

I agree with that. But, I also agree that it should not be in this report. I did not notice yesterday that this language was in the report because I think we had agreed generally that in a report such as this extraneous matters should not be referred to.

I might say in defense of the staff, that the long discussion in this section of constitutional powers really relates to the Gulf of Tonkin resolution. Much has been said about that in the past. On a number of occasions I have admitted that I was less than diligent in considering that original resolution. The Senate adopted it with a minimum of attention. I think we spent only an hour and 40 minutes on it in committee. And there was only very brief debate on the floor.

So the issue relating to the President's authority, and especially the declaration of war powers in the Constitution, relates, I may say, not to the present President. It relates to the predecessor of the present President. It was never intended, and I did not intend this discussion to be related to the present difficulties of this administration.

The other excerpt begins at the bottom of page 12, the word "the," going through that one paragraph.

I believe those are the only references to Cambodia in the report.

I agree with the Senator from Delaware that the proper procedure would be to refer it back, so that the committee can delete those references or change it in any other way it wishes.

Mr. WILLIAMS of Delaware. I appreciate the position of the Senator. The Senator has cited two references. I have not tried to go through the report to see whether there are more because a report cannot be written and amended on the floor.

Mr. FULBRIGHT. I agree with that. I am not trying to bind the Senator to that. In looking at it, there are only two references. It would not be a major operation to revise the report.

Mr. WILLIAMS of Delaware. The committee can write a report. There is no question about that. I did think it is ironic that the staff in expressing their views took strong exception to the administration for taking action, as they say, without prior consultation with Congress; yet the staff in this report writes their own views of what they think of the war without consulting the committee, and then releases the report in the full committee's name.

I do not want to be too harsh on the staff, but I am not quite as kindly inclined on it as perhaps the chairman is. I think they should be called to task and given to understand that they do not write their own views and editorialize in these reports; because, after all, the re-

port is supposed to reflect the views of the committee.

I suggest that in the future if a member of the staff decides that he wants to become a foreign policy expert he should resign and either run for the U.S. Senate or try to become Secretary of State and not try to do it under the name of the Committee on Foreign Relations, because it may be very embarrassing to him before this is settled.

I heard last night over the radio, when this was first released, that the Foreign Relations Committee had unanimously condemned the President on the Cambodian war. Of course, as the Senator agrees, this was not even discussed. I hope we can correct the mistake and that it can be done in a spirit of harmony.

As I recall, this resolution came out of our committee unanimously with the support of the administration. There was no objection—

Mr. FULBRIGHT. That is right.

Mr. WILLIAMS of Delaware. I think we can bring it back in such form again but with the proper report.

Mr. FULBRIGHT. That is correct.

Mr. WILLIAMS of Delaware. I am not going to debate this further at this time, Mr. President, and I ask unanimous consent that the resolution and the report be referred back to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the request of the Senator from Delaware? The Chair hears none, and it is so ordered.

#### RAIL PASSENGER SERVICE ACT OF 1970

The PRESIDING OFFICER (Mr. HUGHES). The hour of 1 o'clock having arrived, the Chair lays before the Senate the pending business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the rule of germaneness will not begin to apply until we have finished with the morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

#### ORDER OF BUSINESS

Mr. MANSFIELD. Now, Mr. President—

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

##### REPORT ON JUDICIAL PROCEEDINGS REGARDING AMERICAN INDIAN TRIBAL CLAIMS

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusions of judicial proceedings regarding certain American Indian tribal claims (with an accompanying report); to the Committee on Appropriations.

##### REPORT ON NUMBER OF ARMY COMMISSIONED OFFICERS AND WARRANT OFFICERS ASSIGNED TO HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on March 31, 1970 (with an accompanying report); to the Committee on Armed Services.

##### REPORT ON STRATEGIC AND CRITICAL MATERIALS STOCKPILING PROGRAM

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program for the period of July 1 to December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

##### REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, on disbursements made by the Administration for the period March 25, through May 3, 1970; to the Committee on Banking and Currency.

##### REPORT ON STATUS OF THE NORTHEAST CORRIDOR TRANSPORTATION PROJECT

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the status of the Northeast Corridor transportation project, dated April 1970 (with an accompanying report); to the Committee on Commerce.

##### REPORT OF THE AMERICAN LEGION

A letter from the director, the American Legion, transmitting, pursuant to law, a financial report of the American Legion as of December 31, 1969 (with an accompanying report); to the Committee on Finance.

##### CERTIFICATION AS TO ADEQUACY OF SOIL SURVEY AND LAND CLASSIFICATION

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a certification that an adequate soil survey and land classification has been made of the lands in the Manson unit, Chelan division, Chief Joseph Dam project, Washington, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation (with an accompanying paper); to the Committee on Interior and Insular Affairs.

##### SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending depor-



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tation of certain aliens, together with a statement of facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

#### TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

#### PROPOSED LEGISLATION RELATING TO FINAL AND CONCLUSIVE SETTLEMENT OF CERTAIN CLAIMS

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737 (with an accompanying paper); to the Committee on the Judiciary.

#### REPORT ON APPLICATIONS FOR ORDERS AUTHORIZING OR APPROVING THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report of the Director on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications for the year ended December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

#### STATUS OF PERMANENT RESIDENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence filed by certain aliens, together with a statement of the facts and pertinent provisions of law as to each alien, and the reasons for granting such applications (with accompanying papers); to the Committee on the Judiciary.

#### PERMANENT ADJUSTMENT OF STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a list of certain aliens, with the request that their cases be reexamined with a view to the permanent adjustment of their status (with accompanying papers); to the Committee on the Judiciary.

#### PROSPECTUS FOR PROPOSED CONSTRUCTION

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which revises the post office, courthouse, and Federal office building project authorized at Williamsport, Pa. (with an accompanying paper); to the Committee on Public Works.

### PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

Resolutions of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

#### THE COMMONWEALTH OF MASSACHUSETTS

Resolutions memorializing the President of the United States, the Congress of the United States, and the Secretary of State in support of the State of Israel.

"Whereas, The United States of America was the first foreign power to recognize the new State of Israel in 1948 and since that

time has maintained with the State of Israel common friendship, cooperation and an identity of interest in the aims of democratic government; and

"Whereas, Israel is the sole bastion of democracy in the Middle East and the staunch and tested friend of the United States and its presence in the Middle East; and

"Whereas, The identity of interests between the United States of America and Israel flourished and were secured under the bipartisan policy of all successive administrations since 1948; and

"Whereas, Israel, without the utilization of a single foreign soldier, is resisting the communist thrust into the Middle East; and

"Whereas, Recent policy statements of the State Department and of the present administration in Washington denote a reversal of that policy of mutual trust, cooperation and the pursuit of common goals in disregard of the realities of the historical perspectives, politics and physical necessities of Israel's present posture in the Middle East; and

"Whereas, Such reversal of policy by the State Department threatens a grave injustice to a friend and ally and the destruction of our self interest in the Middle East; now, therefore, be it

"Resolved, That the Massachusetts General Court calls upon the President of the United States, the Congress of the United States and the State Department of the United States to once again recognize and reaffirm its commitment to a peace between the Arab States and Israel arrived at only by direct negotiations between the two parties directly concerned, and by the recognition by the Arab States of the sovereignty of the State of Israel; to declare and affirm as basic policy that while the United States is desirous of being a friend to all nations of the Middle East that it will not purchase this friendship at the cost of a holocaust in the State of Israel; and to declare a restriction on the sale of arms to Israel cannot be imposed by the United States so long as the Soviet Union and other nations do not recognize a similar duty to restrict their contribution to the escalation of the arms race in the Middle East by wholesale commitment of offensive arms to the Arab States, in any event, to insure that Israel's capacity to defend herself without the requisite that foreign troops intervene be maintained in its complete integrity; and be it further

"Resolved, That copies of this joint resolution be forwarded by the Secretary of the Commonwealth to the President of the United States, the Massachusetts members of the Congress of the United States and to the Secretary of State of the United States."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Public Works:

#### "HOUSE CONCURRENT RESOLUTION 104

"Concurrent resolution requesting Hawaii's congressional delegation to use its utmost efforts in obtaining Federal funds to aid the State in developing a deep water harbor at Barber's Point, Oahu

"Whereas, private and public studies indicate the great need of a new deep water harbor in a major industrial area outside of downtown Honolulu; and

"Whereas, the State and other public and private agencies have been proceeding for a number of years in planning for a deep water harbor at Barber's Point; and

"Whereas, the United States Senate had approved the sum of \$1,000,000 to commence work on the Barber's Point project but a joint United States Senate-House Committee has recently failed to approve funds for this important project; and

"Whereas, a new harbor outside of Honolulu would have many benefits for the people of Hawaii, including relieving the congested facilities at Honolulu Harbor and reducing

the traffic congestion on Oahu's highways; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that Hawaii's Congressional Delegation be requested to use its utmost efforts in obtaining Federal funds to aid the State in developing a deep water harbor at Barber's Point, Oahu; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to members of Hawaii's Congressional Delegation, the President of the United States Senate, the Speaker of the United States House of Representatives, members of the Public Works and Appropriations Committee in both the United States House and Senate, the Secretary of the Army, the Director of the United States Bureau of the Budget, the Chief of Engineers of the United States Army Corps of Engineers and the Board of Engineers for United States Rivers and Harbors."

A concurrent resolution of the Legislature of the State of Hawaii; ordered to lie on the table:

#### "SENATE CONCURRENT RESOLUTION 59

"Concurrent resolution requesting that the U.S. Congress, in its consideration of H.R. 14465, assure the retention of the existing ticket tax exemption afforded State and local employees traveling on official business

"Whereas, H.R. 14465, as presently pending in the United States Congress, would repeal the existing exemption of State and local employees from the ticket tax when traveling on official business; and

"Whereas, the efficient administration of the State and local governments of Hawaii demands the attendance of numerous conferences, seminars, and special events throughout the mainland United States by its State and local employees, many of which are in connection with federal programs; and

"Whereas, the distance of approximately 2,500 miles from the State of Hawaii to the nearest point on the Continental United States necessitates travel over considerable spans to reach various mainland destinations; and

"Whereas, Hawaii's State and local employees possess no alternative expedient and less costly means of transportation to the Continental United States, such as is available to employees of other mainland State and local governments traveling shorter distances except by common carrier; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that the Congress of the United States be requested, in its consideration of H.R. 14465, to assure the retention of the existing ticket tax exemption afforded State and local employees when traveling on official business; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President and the Secretary of the Senate of the United States; and the Speaker and the Clerk of the House of Representatives of the United States; the Honorable Daniel K. Inouye, United States Senator; the Honorable Hiram L. Fong, United States Senator; the Honorable Spark M. Matsunaga, United States Representative; and the Honorable Patsy T. Mink, United States Representative."

A resolution adopted by the Board of County Commissioners of Sarasota County, Fla., praying for the enactment of legislation to designate Cape Kennedy as the operational base for the space shuttle system; to the Committee on Aeronautical and Space Sciences.

A resolution adopted by the City Commis-

~~CONFIDENTIAL~~

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8. [Redacted] Met with Senator Jack Miller, R., Iowa), and with his Special Assistant for Press and Research, Mr. Andrew J. Montgomery and delivered to him the selection of speeches and statements by Soviet, Chinese, and North Vietnamese leaders and official organs concerning American policies and actions in the Far East and Middle East. The Senator would appreciate also the current statements concerning Cambodia by Hanoi, Peking, and Moscow and requested advice on the reference to be used should he cite portions of statements of foreign leaders in floor addresses or correspondence. [Redacted]

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[Redacted]

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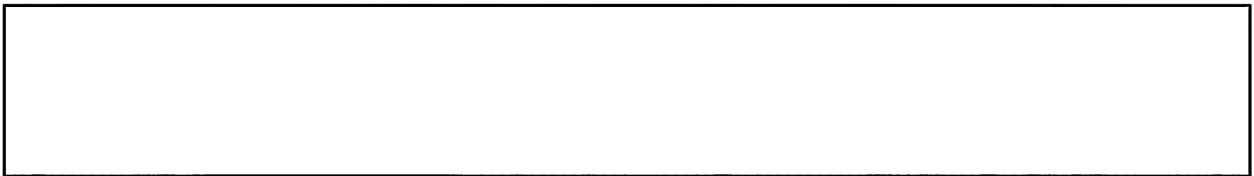
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OFFICE OF LEGISLATIVE COUNSEL

Tuesday - 5 May 1970



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2.  Accompanied Mr. George Carver, SAVA, who briefed Senators Ernest F. Hollings (D., S. C.) and William Spong (D., Va.) on Cambodia in response to their request. Mr. Carver covered the background of recent events in Cambodia, the present military situation, and possible courses of future enemy action.



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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 4 May 1970

25X1 1. [ ] Called the attention of Boyd Crawford, Staff Administrator, House Foreign Affairs Committee, to the press item quoting Committee member John Tunney (D., Calif.) as requesting the Committee to look into charges of CIA involvement in the Cambodian coup. I assured Crawford of the facts regarding our noninvolvement, which he accepted and seemed to appreciate. He was not aware at the time of Tunney's statement.

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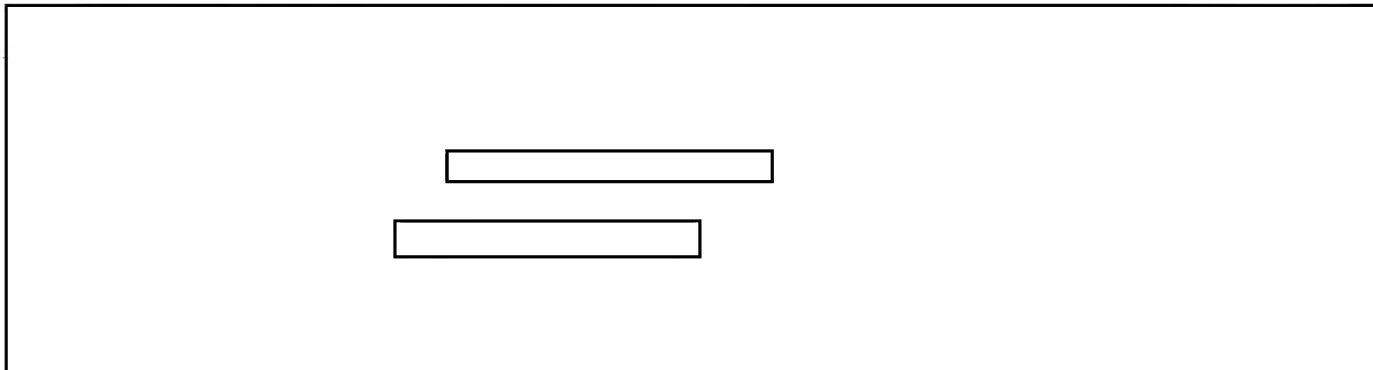
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6. [REDACTED] Based on the advice of [REDACTED] SB Division, called Mr. Robert Horner, House Internal Security Committee staff, and set up a staff interview by Mr. Horner and Mr. Richard Schultz, of the Committee staff, with [REDACTED] for 6 May at 9:45 a.m. in room 309, Cannon House Office Building.

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7. [REDACTED] Mr. Robert Hull, Department of State, called to discuss their current series of meetings with Bureau of the Budget concerning the funding of normal cost deficiency for the Foreign Service retirement system. It was agreed that further coordination would be desirable. See Memorandum for the Record.

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8. [REDACTED] Received a call from Mr. Robert McNeil, Executive Assistant to Senator William B. Spong (D., Va.), who requested a briefing on Cambodia tomorrow afternoon, 2:00 p.m., in Senator Spong's office for the Senator and Senator Hollings. Mr. McNeil also advised that the Senator had indicated that he might invite one or two other senators to join them. The briefing would be for the senators alone and would not include staff. I thanked Mr. McNeil for the call and told him that I would relay Senator Spong's request and be back in touch as soon as possible.

After checking with the Director, Mr. Maury returned Mr. McNeil's call and confirmed the briefing. Mr. McNeil advised that only Senator Spong and Senator Hollings will be in attendance at the briefing.

CONFIDENTIAL

3 MAY 1970

# Special Unit Helped Nixon On Decision

By Don Oberdorfer  
Washington Post Staff Writer

Operation Prometheus, the American march across the Cambodian border into the Communist military headquarters area, was devised by a "Washington Special Action Group" of senior officials and studied in detail by President Nixon last Saturday in the mountain surroundings of his official retreat at Camp David, Md.

The decision to order American ground troops into Cambodia is the most difficult that Mr. Nixon has made since he became President, according to close associates, and it was taken after seven days of secret deliberations.

The intensive activities began at a National Security Council meeting on Wednesday afternoon, April 22, and ended about noon on Tuesday, April 28, with the order to make the raid.

According to one fragmentary account circulating in the government, Attorney General John N. Mitchell was the leading advocate of strong U.S. military action and Secretary of Defense Melvin R. Laird argued that South Vietnamese troops with only U.S. advisers should move into Cambodia. Mr. Nixon's close advisers would not discuss this account yesterday.

Mr. Nixon's final decision, according to his associates, was based on the premise that he faced a clear military challenge not only in Cambodia, but in Laos and South Vietnam as well. Failure to act, he is said to believe, would have been a sign of American weakness that could have bedeviled the United States throughout Indochina and probably in other parts of the world as well.

Ironically, the events in Cambodia that set off Mr. Nixon's response were taking place at the very time the President was announcing a new round of U.S. troop withdrawals from Vietnam on April 20 and telling the American people that "the decision I have made

announced tonight means that we finally have in sight the just peace we are seeking."

According to his associates, increasing North Vietnamese military pressure on the Cambodian capital of Phnom Penh and a round of Communist assaults on Cambodia towns were the precipitating factor. The assaults are listed as those of April 20 on the towns of Snoul and Takeo, April 21 on Saang and April 23 on Kep and Angtasson.

Already concerned about events in Cambodia, the President had explicitly warned the leaders of North Vietnam in his April 20 address that "they will be taking grave risks should they attempt to use the occasion (of troop withdrawals) to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or Laos."

As seen in the high councils, the North Vietnamese were stepping up military activity in Laos and planning a series of attacks in South Vietnam during the first week in May. Together with the Cambodian attacks, this was seen as a broad challenge to the United States.

After the National Security Council meeting of April 22, Mr. Nixon activated the Washington Special Action Group, a secret committee of senior officials. The group was formed last spring after North Korea shot down an American reconnaissance plane and U.S. contingency plans were found to be hopelessly deficient.

The Special Action Group met in the White House Thursday morning, April 23, again that evening, and on Friday, April 24, to outline a series of possible U.S. actions. Its job was not to decide what should be done, but to explore what could be done and investigate the possible consequences of each promising course of action.

The members of the group were Under Secretary of State for Political Affairs U. Alexis Johnson; Deputy Secretary of Defense David Packard; Gen. Earle Wheeler, chairman of the Joint Chiefs of Staff; CIA Director Richard Helms, and Henry A. Kissinger, Mr. Nixon's staff adviser on foreign affairs.

Friday afternoon, Mr. Nixon drove to Camp David for the weekend. Ever since the National Security Council meeting on Wednesday, according to associates, he had been spending much time in

solitary private deliberation about Cambodia.

At mid-day last Saturday, the President summoned Kissinger to Camp David with the contingency plans. The two men went over them, and Mr. Nixon decided to call another and unannounced meeting of the NSC for Sunday afternoon at the White House.

Over the weekend, orders were dispatched via military channels to Saigon giving tentative approval to a South Vietnamese sweep into the Parrot's Beak area of Cambodia, which juts out into South Vietnam. American air support was to be provided, but American military advisers were not to accompany the South Vietnamese troops, thus avoiding direct U.S. involvement on the ground. It was made clear to Saigon that U.S. approval of the operation was subject to later cancellation.

By the time of the Sunday afternoon NSC meeting in Mr. Nixon's alternate office in the Executive Office Building across from the White House, he had pretty well decided that some U.S. action should be taken. The three hour session was devoted to a thorough review of the options. Present were Mr. Nixon, Secretary of State William P. Rogers, Secretary of Defense Melvin R. Laird, Gen. Wheeler, CIA Director Helms and Kissinger.

Vice President Agnew and Director George Lincoln of the Office of Emergency Planning, who are statutory members of the NSC, did not attend.

Monday morning, the President conferred again with Laird, Rogers and Kissinger. That afternoon on Capitol Hill, Rogers gave the first hint of what was to come. He told an executive session of the Senate Foreign Relations Committee that "the President has the problem: Do you continue fighting the war in a way that doesn't make sense, or do you change it?" None of the senators picked up the hint at the time.

While the Foreign Relations Committee was asking Rogers not to send military supplies to Cambodia, the President was studying cables from his military and political chiefs in Asia who had been asked to study the probable impact of an American foray into Cambodia. The Joint Chiefs of Staff had often recommended raids into Cambodia during the Johnson administration,

but the issue had not been previously considered by President Nixon because it seemed dangerous and too costly as long as Prince Norodom Sihanouk was in power.

By Monday night, Mr. Nixon had made up his mind to send American ground troops into the Fishhook section of Cambodia in a raid on the Communist headquarters for South Vietnam. By Tuesday noon, final orders for Operation Prometheus—as it is known in the intelligence community—were dispatched to U.S. commanders in Vietnam, who had been alerted to the possibility earlier.

In Greek mythology, Prometheus was a powerful hero who stole fire from the gods but who was chained for a time to a mountaintop by Zeus—and then released.

Since American ground troops were going into Cambodia at the Fishhook, it was decided and ordered that American advisers could accompany the South Vietnamese in their approved operation in the Parrot's Beak area. The Special Action Group met again Tuesday afternoon to go over further details of the U.S. maneuver.

The President is said to have written eight drafts of his speech to the nation Friday night, dictating most of it in his Executive Office Building study.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 91<sup>st</sup> CONGRESS, SECOND SESSION

Vol. 116

WASHINGTON, FRIDAY, MAY 1, 1970

No. 69

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, May 4, 1970, at 12 o'clock noon.

## Senate

FRIDAY, MAY 1, 1970

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

### LAW DAY AND PRISONER OF WAR DAY

Almighty God, our Creator, Redeemer, and Judge, we thank Thee for the laws of nature, for the moral law given at Sinai, and for the higher law of love made known in Nazareth and at Calvary. May we remember that the first bar of justice was a communion rail and that bowing in court was first before a cross. Make us mindful this day that all law is grounded in Thy sovereign and transcendent nature.

Bless, O Lord, all who make the law, all who interpret the law, all who judge, prosecute, and defend under the law, and all who teach and train for the legal vocations. Make us to know that the way of true freedom is the way of law and order. Temper our understanding and our attitude with human compassion. Replace bad laws with good ones that equity, justice, and peace may be to all people. Write Thy law upon our hearts, and so fill us with love and grace that every day may be law day.

We remember before Thee this day all prisoners of war, especially our fellow countrymen. Grant that by drawing near to Thee we may be drawn nearer to them in faith and love. Imbue them with grace and strength to endure separation and privation. Grant, O Lord, that their keepers may be guided by the Geneva Convention and by the universal laws of humanity. Keep alive in them and in us the truth of the invincibility of goodness and the everlasting care of the Heavenly Father.

In the name of the Supreme Judge. Amen.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of

the Journal of the proceedings of Thursday, April 30, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ANNIVERSARY OF WARSAW GHETTO UPRISING

Mr. SCOTT. Mr. President, tomorrow marks the anniversary of the Warsaw ghetto uprising. On this day, we commemorate the 40,000 heroic Jews in Poland who chose to fight and die for freedom, dignity, and honor rather than submit to the physical and spiritual humiliation of life in captivity and ultimate extermination.

In 1940, Nazi forces crowded one-half million Jews from Warsaw and other sections into a cramped ghetto. Inhuman living conditions and starvation diets claimed some 85,000 lives by 1942 and 300,000 victims were transferred to labor and extermination camps. The next spring the 40,000 Jews left in the ghetto learned that they were to die to solve the Jewish problem.

Unable to accept passivity any longer, the remaining 40,000 armed themselves any way they could. On April 18, 1942, they began a well-organized military attack on their captors. For nearly 4 weeks, they resisted Nazi machineguns, incendiary bombs, heavy artillery, explosives, and tanks.

In 11 days, 5,000 Warsaw Jews were killed in action, murdered in their houses, or found dead in the wreckage. After 5 weeks, the ghetto was destroyed and the remaining 20,000 who escaped death were shipped to camps outside Poland.

The Warsaw Jews chose to fight a hopeless battle against overwhelming odds rather than accept intolerable degradation and eventual demise. The memory of those heroic and tragic defenders of freedom serves as an inspiration to all people who fight oppression.

### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the approval of the distinguished Senator from Ohio (Mr. Young) and the distinguished Senator from Idaho (Mr. Church), both of whom have time allotted to them today, I ask unanimous consent that I may proceed for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### CAMBODIA

Mr. MANSFIELD. Mr. President, the distinguished minority leader has given me a copy of the statement he made last night at the conclusion of the address by the President of the United States. I appreciate the courtesy of the distinguished minority leader. I think that his statement is a temperate one and now would like to make a statement of my own.

Mr. President, the latest casualty figures from Vietnam as of a week ago yesterday amounted to a total of 322,750 casualties. Of that total, approximately 50,000 have been killed in Vietnam and Southeast Asia. The rest have been wounded.

I do not have the official figures from the Department of Defense yet, but it is my understanding that, as of yesterday, approximately another 100 Americans were killed and something on the order of 1,250 were wounded last week.

Mr. President, these figures come to my office every week. I carry them in my pocket to serve as a reminder of the

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mistaken war in which we are engaging and the tragedy which has been the norm during the entire tenure of that war.

Mr. President, I listened with grave interest to the President of the United States speaking to the American people about the situation which has developed in Cambodia. Previous to that speech, Members of Congress and the Cabinet met with the President. He gave us an explanation of the situation with reference to the sanctuaries extending from north to south on the Cambodian border. He gave us, too, the reasons why, on the advice of his senior advisers, he had approved the present operation.

I appreciate the fact that the President did call a number of Congressmen to the White House to give us this preview. He has exercised his responsibility, arrived at decisions after some days of consideration and, in announcing them to the American public, has laid his cards on the table.

Mr. President, we, as individual Senators and as a Senate, also have responsibilities to reach conclusions which may or may not coincide with the policy enunciated by the President of the United States. I must, therefore, as a Senator from the State of Montana, and laying aside all political considerations, most respectfully disagree with the campaign into Cambodia. I could not even approve the use of U.S. advisory or auxiliary personnel in connection with what had been previously a South Vietnamese incursion into Cambodia; how much less can I approve of an operation which puts Americans in the spearhead? U.S. combat forces have now been sent across the border and B-52 bombers are being used. Everything we have in our arsenal, at least as it has been used heretofore in Vietnam, is now engaged in the so-called Parrots Beak of Cambodia which intrudes into South Vietnam and is at its nearest point 35 miles from Saigon.

This particular sanctuary and other sanctuaries along the Cambodian frontier have not been set up within the past month. They have been a factor in the situation over the past 3 to 5 years. The present United States-South Vietnamese thrust into Cambodia, in my opinion, can be regarded in no other light than as a widening of the war and an escalation of the conflict. That the operation is supposed to be "temporary" does not in any way alter this evaluation. I have seen too many so-called temporary operations down through the years in that part of the world. I have watched, too, with concern all too often the transition from temporary operation to continuing operations to forgotten operations.

Even if this thrust is successful within the 4 to 8 weeks before the rainy season begins, what of other sanctuaries in Cambodia, north and south of the Parrots Beak? What of Laos? What of North Vietnam itself? Will we undertake temporary incursions into those areas? If we withdraw after a successful thrust into the Parrots Beak, does that mean that the North Vietnamese and the Vietcong will be free to move in once again and establish a replica of the previous situation?

Mr. President, too many people have presented the Cambodian situation as a "golden opportunity" to save American lives and to shorten the war. The step up into Cambodia can do just the opposite. It may well lengthen the conflict, widen it into an Indochinese war, increase U.S. costs by billions, increase U.S. casualties which now number—to repeat—almost 50,000 dead and almost 275,000 wounded or a total of close to 325,000 American soldiers. At the same time, it may well accentuate problems at home and increase the divisiveness among our people.

On April 16, I expressed my thoughts on Cambodia at which time I said that I did not advocate any kind of aid in any form to Cambodia and that we should not become involved in the affairs of that nation. I did so respectfully and hopefully. Now the turn has been made. The die has been cast. Therefore, I must now state in public that I am just as interested as anyone else in safeguarding U.S. troops in Vietnam and elsewhere, but I do not think that this new policy, this additional campaign, this new ball game is the way to safeguard them. Over the years, the curve of American casualties has gone up with the expansion and intensification of the conflict. It has come down with the President's order to cut back U.S. troops in Vietnam. If there is a way to continue to reduce them, therefore, it is to continue the contraction of the American role and the withdrawal of American forces. If there is a way, it is for the South Vietnamese forces, which number pretty close to a million men which have been trained and equipped by us, which have been, we have been told, pursuing a successful process of Vietnamization, to protect their border with Cambodia. Behind that line, this Nation should not only continue its phased withdrawal from Vietnam, which I have always approved, but speed it up. In that fashion, the South Vietnamese themselves, all factions, may find it expedient to get together, determine what kind of a country they want and delineate their future. That is their responsibility, not ours. It is their country not ours.

What confronts this Nation in Indochina is not a question of saving face. It is a question of saving lives. All of us have our personal pride, and I would hope a fitting sense of humility in light of the lives which have already been forfeited in this tragic war. I do not believe there is a Member of the Senate who would not eschew the one and gladly accept the other if it were in the interest of our people to do so. The vital concern of this Nation, and I use the word "vital" advisedly, must be to end our involvement in the war in Vietnam. It is not to become bogged down in another war in all of Indochina.

The President's decision on Cambodia last night relates directly to these questions. It was not a political decision. Politics has no business in his calculations on this grave matter anymore than it has in ours. In the Senate, today, there is no party orientation on the issue of Vietnam. There has not been, and insofar as I am concerned, there will not be.

The President has national responsi-

bilities as he made clear in his remarks last night. As I have stated, the Senate has national responsibilities. Repeated action on Vietnam by Members of both parties in the Senate have underscored the nonpartisan character with which these responsibilities have been discharged.

The President reached a conclusion which was his to reach as Commander in Chief of the Armed Forces under the Constitution. I respect his decision even as I regret it and am deeply concerned about it. I hope that, as he expects, his decision will reduce American casualties, speed the withdrawal of American troops from Vietnam, and hasten the end of the war. I would be less than honest, however, if I did not express the grave doubts which I have expressed today on these expectations. There is nothing in past experience in Indochina to suggest that casualties can be reduced by enlarging the area of military operations. There is nothing in past experience to suggest that the way out of the Vietnamese conflict follows the road of a second Indochina war. Indeed, that road may well meander throughout all of Southeast Asia and end nobody knows where.

If there is a way, Mr. President, which will safeguard the interests of this Nation, it lies in negotiations without further delay, negotiations now. The spread of the fighting into Laos and Cambodia, it seems to me, has put a settlement beyond the scope of the Paris negotiators. Therefore, the administration ought not to let drop the Soviet Union's recent diplomatic suggestion—and it has not—that the Geneva conference may have to be reconvened. Insofar as I am concerned, there might well go forth a call to merge the Paris talks into a revival of the Geneva conference of 1961-62 on Laos, with the membership of the conference appropriately broadened in order to consider the situation of all Indochina and the Southeast Asian mainland. If the Soviet Union is reluctant now to pursue the matter after having suggested it, then let the call be issued by another nation—by this Nation. It is time to ask other Geneva conferees to join in a reconvening or to set forth alternatives. We will know then with whom we can hope to proceed together to find a solution by negotiations and with whom we cannot.

It is time, too, for this Nation to delineate a clear and unswerving policy in support of the neutralization—the guaranteed neutralization—of all of Indochina, if not the entire Southeast Asian mainland. It is time to join with other outside powers in bona fide multilateral guarantees of the neutrality of the region. On that basis, this Nation should be prepared to terminate forthwith its military participation in the various conflicts on the Southeast Asian mainland, to depart militarily therefore and to work in concert with others for the restoration of the war's terrible devastation.

Mr. President, in conclusion I want to say that this has not been an easy speech for me to make. I have great respect for the Office of the Presidency and for any individual chosen by the people to hold

that office. I am aware of any President's responsibilities in the field of foreign affairs and as Commander in Chief. I realize that the ultimate responsibility lies with a President. But I am also aware of the fact that as a Senator I have a direct responsibility to the people of my State and that as a Senate we have responsibilities to the entire Nation.

Therefore, I must reiterate my belief that we are embarked on an ill-advised adventure and that there is grave danger the Parrots Beak may well turn out to be an albatross before it is done.

Mr. President, I ask unanimous consent that a speech which I made in the Senate on April 16, 1970, relative to Cambodia, be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mr. MANSFIELD. Mr. President, on yesterday, the press carried reports of an urgent request for military aid from the government which is now in control in the Cambodian capital of Phnom Penh. This request comes hardly as a surprise. What is surprising is the rapidity with which it follows the military coup against Prince Sihanouk.

In the circumstances, it would be desirable to sort out what we know about the Cambodian situation and what we do not know. What was for a decade and a half the only oasis of peace in Indochina has been turned into a bloody battlefield in the space of one month. The spreading conflict already involves a civil war between the Cambodians who remain loyal to Prince Sihanouk and those who follow the military government which overthrew him. The conflict already involves deep incursions into Cambodia by North Vietnamese and South Vietnamese, an extension of the battlefields which had been previously avoided throughout the Vietnamese war. The conflict already involves the potential of an ugly genocide by government-stimulated mob-action against the several hundred thousand Vietnamese civilians—for the most part farmers, fishermen and tradesmen who come from both North and South Viet Nam and who have lived for decades in reasonable peace in Cambodia.

In short, the Pandora's Box which was held shut by the leadership and diplomacy of Prince Sihanouk is now wide open. For years, Cambodia was in the eye of the Indochinese hurricane; now it is swept up in the full fury of a racial, ideological and militarist storm.

It is scarcely a month since the successor government claimed authority over Cambodia and this government is already in deep trouble. Its urgent appeal for aid is a broadside which has gone to Communist governments and non-Communist governments—apparently, to anybody who will give support. It comes from a government whose earliest acts include a declaration of martial law and a suspension of personal liberties in a country which did not have martial law and which previously had provided a greater degree of personal freedom than most countries in Southeast Asia.

While the appeal for aid is directed to the world in general, it is reasonable to assume that it is aimed primarily at this country. Where else would urgent aid of any consequence come from in this situation if not from this nation directly or through nations in the area which are supplied by us?

Some may find it difficult to resist an appeal for aid to this country from any source. Some may find the present military government more to their liking than its predecessor and, hence, more "worthy" of aid. Some may ask whether this Southeast Asian country will topple under the domino theory if we do not respond to the appeal for aid.

Some may note that it is just some arms-aid that is being sought, not American forces.

If these observations sound familiar it is because they are the siren's songs which have beckoned us time and again ever deeper into the morass of Southeast Asia. If there is ever a time to resist them it is when they are just beginning to become audible.

The fact is that we do not know anything of the character or competence of the government in Phnom Penh which has issued this appeal for aid. We do not know how far its authority extends outside the capital or beyond the main roads. We do not know what acceptability it may have among the Cambodian people. We do not know what will emerge in the end in the way of a Cambodian government from the present upheaval.

We do know, or ought to know on the basis of experience that even with a massive infusion of American equipment we are likely to have minimal constructive effect on that upheaval and we will open the door to another destructive impact on our own national interests. We do know, too, or we should know at this late date—after Viet Nam, after Laos—that each deepening of our involvement in Indochina began with an input of well-meaning aid.

President Nixon has made a wise start in pointing the national course away from our participation in the tragic war in Indochina. It is to be hoped that there will be no deviation from that course. The way to get out is not to go further in—in any way, shape or form. The road out of Viet Nam for this nation does not lead by way of arms-supply or any other involvement in this new extension of the Indochinese tragedy into Cambodia.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. PROXMIER). The Senator from Montana asked for 20 minutes. He has 4 minutes remaining. The distinguished Senator from Ohio (Mr. Young) is to be recognized after the Senator from Montana.

Mr. MANSFIELD. Mr. President, I would like to yield to the Senator from Pennsylvania so that he may have the floor in his own right, with the permission of the Senator from Ohio.

Mr. YOUNG of Ohio. Yes, indeed. And I desire that the majority leader then yield to me.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I am always impressed by the patriotism and the candor and the very serious sense of responsibility with which the distinguished majority leader approaches all of these problems which involve the reaction of the Senate. I think also that Americans are unhappy when they see American soldiers fighting with one hand tied behind their backs. It is an attempt to prevent American soldiers from fighting under this type of disability that the President has taken a decision which is difficult and the outcome of which is not guaranteed; but a temporary move which it is hoped can result in removing from American forces a disability which certainly would impede the orderly and planned withdrawal and deescalation of the war.

Mr. President, for the past 5 years or more the Communists in Vietnam have had a decided advantage which has been denied to the South Vietnamese and

Americans. They have had a safe haven from which to launch attacks into Vietnam and into which they could retreat quickly and easily when those attacks failed or were turned back.

This has undoubtedly prolonged the war in Vietnam. It has without question cost American lives and has cost American wounded personnel.

I advocated at least 5 years ago the right of hot pursuit, which was subsequently authorized, and the right to enter and clear out sanctuaries which was not adopted until last night.

So until now, for a number of reasons, the United States has not been able to do anything about this Communist haven. The most important of these has been our recognition of the neutrality of Cambodia and our steadfast refusal heretofore to cross the Cambodian frontier.

Now, however, the Communists have apparently overplayed their hand. They no longer even pay lip service to Cambodian neutrality. Their puppet ruler in Cambodia having been deposed, they have begun on their own an offensive against the Cambodian Government and the Cambodian people. They have openly invaded.

Further, for the first time in the Vietnamese war, the Communists have broadened their strategy. They are using these havens on Cambodian soil not only to attack Vietnam, but now to attack to the west, into the heart of Cambodia itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, in short, it seems now the Communists are stretching themselves very thin. They are lengthening their supply lines. They are using their limited manpower and material in two wars at once, against Vietnam and against Cambodia.

Prior to this, the United States has felt it was futile to attack the safe-house bases the Communists established across the border in Cambodia.

This has been the official U.S. position; it has not been mine, since I have felt otherwise for 5 years.

Now, the Communists themselves have changed the situation. The expansion of the war into Cambodia has been of their choosing. Apparently they thought their immunity would last forever. Not so, since last night. Should we be passive forever, while we suffer casualties from Cambodian-originated forces?

There is obviously a certain risk in what the United States is now doing. There is also a considerable risk in doing nothing. The President has chosen the course calculated to produce the greater gain, the more positive and the most orderly desired result.

It may be that this attack across into the Communist bases in Cambodia will ultimately stand alongside the fabled Inchon landing undertaken by General MacArthur during the Korean war, be-

cause here we again used the most ancient military tactic, the element of surprise.

The action now undertaken by the United States is a purely military action. It must be weighed purely within that context. But it has both tactical and strategic implications, as well as an important message for Hanoi.

If it succeeds—and there appears a good possibility that it can succeed—it will shorten the war, save American lives, and bring Americans home sooner than otherwise might be possible.

This is the hope upon which President Nixon has based this courageous and remarkable decision.

In my judgment, Congress and the country should support him.

I am fully aware, as was the President, of the political risk of supporting an action at this time which involves an apparent extension of the war. I supported President Kennedy and Johnson throughout their decisions as Commanders in Chief of our Nation. I could hardly do less with the present President of the United States.

I will have to accept as the President himself accepted last night the risk of the unpopular course. I do accept it. I accept it because I believe it will shorten the war and improve our chances to de-escalate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I am aware of the fact that in the Senate there is a strong body of opinion which certainly believes it reflects the body of opinion in America that we should simply fold up, get out, and go home. I wish we could. This is the most unpopular war in our history; and a war that should be ended, and ended as quickly as we can.

Nevertheless, we have only one Commander in Chief; we have only one man who can make the decisions. I believe he has made the right decision. I am going to support him.

Now, I am going to get ready for that mass of thousands of letters from home, which I have no doubt will be critical of my decision.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. SCOTT. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, first I would differ with the distinguished minority leader on his use of the expression "fold up" or applicable to the Senate or any Member of the Senate. I think that would be doing a disservice to individual Senators and the Senate as a whole. Second, I join the Senator in expressing the hope that politics in no way, shape, or form would become involved because this is a matter which transcends both parties; and as far as we as individuals are concerned, who happen to be running for office this year, I think that is of distinctly secondary and minor, if not tertiary, importance. It is the country which must come first.

As far as I am concerned, we are just transients passing through.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. YOUNG of Ohio. Mr. President, do I have the floor? If I do, I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Ohio may be recognized so that he may yield to me briefly.

The PRESIDING OFFICER. The Senator from Ohio has an order which permitted him to be recognized. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. YOUNG of Ohio. Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I agree with the distinguished majority leader that we should not in any sense impugn or appear to impugn the motive of any Senator, and I do not. In using the words "fold up," I want to state the context I have in mind, and that is a suggestion that we should withdraw on a given date, it seems to me, would be a folding up of American operations on that day. I said I disagree with the setting of dates, and that is what I had in mind.

Mr. MANSFIELD. I appreciate the explanation.

Mr. SCOTT. I conclude by saying simply this. I agree with the distinguished majority leader that we should keep politics out of this, and the Lord knows I want to, because I am on the losing side where public opinion is concerned as of now. I have a responsibility as a leader, and as a leader I accept the responsibility.

Mr. YOUNG of Ohio. Mr. President, if the Senator from New York wishes to speak briefly, I yield to him for that purpose.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I wish to make a very brief statement on the constitutional issues involved in the Cambodian operation, especially the authority of the President, which I think is critical here as well as the Congress'. There is no pretense whatever in the President's speech—other than the claim that he is using his authority as Commander in Chief—of constitutional authority as it involves the Congress. The President's authority as Commander in Chief to extend the operations in aid of Cambodia, or other extensions of the war, is a vital question that the Congress has to face in the days ahead. Above all Congress must now take appropriate measures to exercise its authority and responsibility.

In my judgment, this requires consideration of terminating whatever authority was given by Congress under the Gulf of Tonkin resolution. The Foreign Relations Committee has already voted to take such action to terminate the Tonkin Gulf resolution. We expect to undertake additional measures in respect of appropriations for military actions in

Cambodia, and perhaps on a timetable for withdrawal from Vietnam. It is clear from the recent statements that we are in Vietnam now for an additional 1 to 3 years under the President's timetable, unless we in Congress choose to take a shorter time through the exercise of our powers.

I agree with the majority leader and the minority leader that the responsibility of the Congress as a unit must be accepted as equal to that of the President, we share authority with the President under the Constitution and I hope and expect we will exercise our authority. Just as the President believes he has not failed in his authority, we should not fail in ours.

The President has apparently defined his authority as Commander in Chief in such a broad and comprehensive manner as to intrude upon, and even preempt, the powers reserved so explicitly to the Congress in the Constitution. The question is not whether we can challenge the President's constitutional authority as Commander in Chief. The question, rather, is whether the President can exercise his Commander in Chief powers in a way which very seriously diminishes the extensive powers in the war-making field which are specifically assigned to the Congress under the Constitution. Certainly, in this crucial situation, the constitutional powers of Congress will remain hypothetical unless we take appropriate steps now to exercise our authority.

The President's statements about defeat and national honor, are regrettable and I believe are fully answered by the achievement of the limited objective of our Vietnamese operation, to give the people there a chance for self-determination and the substantial achievement of that objective by the enormous expenditure of blood and treasure in the last 5 years.

As to demonstrating to the world our fidelity to such commitments if any that we have toward Vietnam and our determination to protect small nations against aggression, I believe we have shown that in an order of magnitude beyond what any other nation of people would come even close to doing. Finally, on the question of drawing into the struggle Chinese volunteers which occurred in the Korean war, I believe that this cannot be the reason for our action or failure to act but certainly if actions are otherwise undesirable in the national interest this is an added factor risk of which will be avoided by not taking such actions.

The President, as he stated so movingly, has deep responsibility for the security of our troops. He also has deep responsibility for the domestic peace and tranquillity of the Nation at home, and for the orderly functioning of duly constituted processes respecting the wishes and needs of the Nation. Our system is based on a division of powers—a sharing of powers—and a system of checks and balances. All these considerations must be weighed and reconciled. They cannot be ignored on grounds that troop security is the only question.

The PRESIDING OFFICER. The Senator from Ohio is recognized.



Mr. YOUNG of Ohio. Mr. President, I yield to my brother the distinguished senior Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG of North Dakota. Mr. President, I thank my colleague and my elder namesake from Ohio.

Mr. President, I am always very reluctant to take a position opposite to that of the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), particularly on matters affecting Southeast Asia. I find that about 99 percent of the time he is right, and that is one reason for my reluctance.

President Nixon's decision to destroy Communist sanctuaries in Cambodia is long overdue. Through these bases the enemy has been able to stage and supply powerful offensives with immunity from attack—offensives that unnecessarily cost the lives of thousands of our servicemen.

I was opposed to getting involved in this war from the beginning—even while some of the present doves thought it was a great idea. I cannot help but feel, though, that if we are going to fight this war at all, or even have an orderly withdrawal, certain military actions such as this are necessary. I would have preferred, however, that this action could have been taken without involving our troops at all.

This military action is necessary to consolidate and complete the almost total destruction of the enemy's capability that has already taken place in most of southern South Vietnam.

This is an action approved by the Cambodian Government and one which is expected to be highly successful in a very short time. Since no negotiated settlement of the war is possible, I see no alternative but to support President Nixon's decision which is designed to make possible our continued withdrawal of forces from South Vietnam.

Mr. YOUNG of Ohio. Mr. President, at the outset I express my difference of opinion with my brother from North Dakota, but, very seriously, I desire to express my admiration for the remarks of the distinguished majority leader (Mr. MANSFIELD) and I desire to be associated with all the remarks that our majority leader made.

#### SENATE CONCURRENT RESOLUTION 65—SUBMISSION OF SENATE CONCURRENT RESOLUTION RELATING TO CAMBODIA

##### AMERICAN SOLDIERS INVADE CAMBODIA

Mr. YOUNG of Ohio. Mr. President, the decision by President Nixon to commit American arms, advisers, and combat troops to an invasion of Cambodia is a tragic mistake. It is a decision to risk the loss of another 50,000, or more, American lives in still another Southeast Asian country. It represents madness and stupidity beyond description.

While the words "mistake," "madness," and "stupidity" can be used to describe the President's decision to commit American lives, they cannot be used to describe his speech to the American people last night. That speech was coldly, calculated, political, and demagogic

in the worst sense of those words. President Nixon asked for the support of the American people in an action clearly not in their interests. He criticized Members of Congress whose authority he completely usurped. The President claimed to be the protector of American lives when he must know that the best way to protect America's young men is to bring them home immediately in the same manner they were sent into Vietnam—by ships and by planes.

Mr. President, the polite calls throughout our country for restraint in Vietnam, Laos, and Cambodia have fallen on deaf ears. Conciliatory remarks in the Congress also have apparently had little impact. I am now convinced that only the most forceful display of opposition to this stupendous mistake can be meaningful.

Mr. President, I assert if President Nixon does not promptly pull away from this dangerous adventure, the Congress must assert its constitutional powers of restraint in the name of the people who have been asked once too often to swallow the hallucination of victory in Vietnam through escalation and expansion of that conflict.

I send to the desk a concurrent resolution, to be later recorded by the clerk, and then, I hope, referred to the Foreign Relations Committee of the Senate.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 65) was received and referred to the Committee on Foreign Relations.

Mr. YOUNG of Ohio. Mr. President, this concurrent resolution expresses the sense of the Congress with respect to the action of the President of the United States in sending into a neutral nation, Cambodia, and across the border of Cambodia with South Vietnam ground forces, combat forces of the United States. This, in the absence of any request of the Government of Cambodia and in the absence of any information whatever to the Congress until following the time this invasion had been undertaken.

The resolution I am introducing reads:

*Resolved*, It is the sense of the Congress that the action of the President of the United States involving United States military forces in Cambodia and invading the sovereign territory of Cambodia constitutes an unconstitutional involvement of the United States in an undeclared war, a clear violation of Cambodian neutrality and the principles of international law.

Section II. The Congress hereby censures the President of the United States for the actions he has taken in the furtherance of such involvement.

The Congress must make clear what the President has failed to make clear—that the invasion of Cambodia by American troops is a direct violation of Cambodian neutrality and the principles of international law.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho (Mr. CHURCH) is recognized for 1 hour.

Mr. EAGLETON. Mr. President, will

the Senator from Idaho yield me 2 minutes.

Mr. CHURCH. I am happy to yield to the Senator from Missouri.

*Cambodia*

#### THE SECOND INDOCHINA WAR

Mr. EAGLETON. Mr. President, without question the war in Vietnam has now been enlarged into the war in Indochina.

President Nixon says he is attempting to deescalate our participation in South Vietnam—by escalating our activities first in Laos and now in Cambodia.

What kind of logic is this?

What the President has done is to send American troops across a border into the territory of a sovereign state—without having been requested to send troops by the leaders of that state and without having asked for a declaration of war from Congress.

If our troops fail to achieve their supposedly short-term military objective, then I foresee a permanently widened war, with American fighting men on Cambodian soil for a long time to come.

The President's decision is a deeply disturbing gamble, in which the chips are American lives and the American conscience and, in a very real sense, the security and tranquility of our society.

There has never been a clearly agreed-upon reason for our originally sending ground troops into Vietnam. Both Presidents Johnson and Nixon have given different reasons at different times to justify the massive presence of American soldiers there.

Now it appears the justification is feeding upon itself. Because we have an American presence in South Vietnam—whose purpose has always been unclear—we must protect it by invading Cambodia. The whole thing is tragic.

I believe the President's move will not hasten our withdrawal but instead will serve to prolong and enlarge the American agony and the Vietnamese, Laotian, and Cambodian agony—in Indochina.

*Cambodia*

#### WAR WITHOUT END

##### CONGRESS MUST DRAW THE LINE

Mr. CHURCH. Mr. President, when President Nixon took office 15 months ago, he had two good choices and one bad one for dealing with the war in Vietnam. The promising choices were a negotiated peace based on a compromise coalition government in Saigon, coupled with the swift withdrawal of American forces; or, failing an agreement, a unilateral disengagement by the United States based on a phased but steady and complete withdrawal of American forces. In order to pursue either of these courses in those early days of his administration when all options were open to him, the President would have had to acknowledge the futility of our continued military intervention in Vietnam. He would have had to admit—at least to himself—the impossibility of sustaining at any acceptable cost an anti-Communist regime in Saigon, allied with, dependent on, and supported by the United States.

This, of course, had long been the coveted objective of American policy in In-



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dochina. Mr. Nixon was unprepared to abandon it. The result was the rejection of the two possible means of bringing the war to an early end and the adoption instead of the policy known as "Vietnamization." The tactics of the new course of action soon became clear: instead of escalating, we were going to de-escalate, albeit by very gradual stages and over an indefinite period of time; instead of pouring in ever larger numbers of American troops, we were going to gradually substitute South Vietnamese forces in their place and thus keep the war going until the insurgents finally gave up their effort to displace the Saigon regime. Lost to view throughout the year 1969 was the fact that the new policy was only new in the means it employed; the objective remained unchanged.

We are still trying to maintain an anti-Communist regime, resistant to the North, in the southern half of a divided Vietnam. We are still determined to pursue an objective that makes necessary a permanent American military presence in Indochina. We are still bent upon preserving an American bridgehead on the mainland of Asia, next door to China. That is the meaning of Vietnamization.

In January, 1969 Mr. Nixon inherited the leadership of an angry, divided, and demoralized country. He had at that time a better opportunity than he will ever have again to diagnose and treat the cause of the country's agony. In keeping with his own record and outlook, however, the new President did not perceive anything fundamentally wrong with the old policy. Instead, he saw only the symptoms: The high casualties, the inflated rhetoric, the student unrest, the Johnson style, and the so-called credibility gap.

It did not occur to Mr. Nixon that the policy itself was deeply unsound, extraneous to American interests, and offensive to American values. The result was a change in tactics, but not in goals. The policy has been repackaged; new, improved methods of salesmanship have been adopted; an optimistic new vocabulary has been introduced, full of bright promises of "peace with honor." Hopes have been buoyed by the return of part of our troops; people everywhere are saying that Vietnam is no longer an issue. Or at least they were saying that until yesterday.

But the war goes on. American combat strength in South Vietnam has been reduced, but the war itself is spreading beyond the borders of Vietnam and has become an Indochina war. Nor is there any end in sight. The administration has consistently refused to say—and perhaps does not even know—when if ever the American involvement will be brought to an end. Our withdrawal is said to be "irreversible," but the President continues to warn of "strong and effective measures" if the enemy takes military advantage of it. Such as a measure, as the Senate well knows, was dramatically announced to the American people last night. How a process of irreversible withdrawal can be reconciled with these "strong and effective measures" is not explained; nor is it ex-

plained what possible reason we might have for supposing that the enemy will not "take advantage" of our withdrawals.

The Nixon administration has led us into a fundamental contradiction through its temporizing policy of scaled-down but indefinite warfare. The Johnson policy at least moved in one direction: an extravagant objective was matched by extravagant means. Mr. Nixon has moderated the means but retained the objective. The result is a masterpiece of incongruity, a design well conceived for futility and failure.

Sooner or later we are going to have to make a choice, matching our methods to our goals. If we continue to pursue the same extravagant objective in South Vietnam, the American military occupation of that country will have to be extended indefinitely. The alternative is to change the objective, to alter the policy. The latter, as I shall try once again to show, is the course of realism. Once we have chosen that course, once we have bitten the bullet of acknowledging past error, the means of extricating ourselves will pose no insuperable problems. Once we admit that this war is not now and never has been essential to American security, there should be no great difficulty about ending it. Until we do admit it, the war will go on.

#### I. A WAR NOT IN OUR INTEREST

It is no easy thing to admit an error but, as events have shown the scale and consequences of our mistaken venture in Vietnam, more and more Americans have been coming of the opinion that it is better to acknowledge a mistake than to perpetuate it. Even for those not directly involved, a good deal of maturity is required for facing up to a mistaken course of action. For statesmen and soldiers who have had personal involvement with the war in Vietnam, a high degree of fortitude and integrity is required. Nonetheless, an increasing number of men who fought this war have found it necessary to express their doubts about its justification. Late last year, for example, a former Air Cavalry captain who lost his right arm and both legs when he picked up a live grenade at Khe Sanh, summed up his own personal distress in these words:

To the devastating psychological effect of getting maimed, paralyzed, or in some way unable to reenter American life as you left it, is the added psychological weight that it may not have been worth it: that the war may have been a cruel hoax, an American tragedy that left a small minority of young American males holding the bag.

Distasteful though it is, we must review the reasons for our initial involvement in Vietnam. This is not just a case of confession being good for the soul. We need to understand the past so that we can act more wisely in the future. A clear comprehension of past mistakes is the only reliable insurance against repeating them. I do not agree, therefore, with President Nixon's assertion in his speech of May 14, 1969, that the "urgent question" is "not whether we should have entered on this course, but what is required of us today." The two, I believe, are connected: In order to determine

"what is required of us today," it is indispensable that we understand why we did what we did in the past, and whether we should have done it.

If indeed the decision to intervene with an American army in 1965 was wise and sound, that would suggest that we now should continue the fight, with whatever force may be necessary, and for whatever time may be required. If, on the other hand, the intervention of 1965 was the result of faulty judgment, then it makes no sense to continue the war for a single day longer than is required to liquidate it in a decent and orderly way. There can be no cure without honest diagnosis. Yet, the administration refuses even to think about past decisions in a critical or analytical way. Instead, it clings tenaciously and defensively to the discredited old arguments. The result is indecision and incongruity. As best I can make it out—and I do not think I can make it out with any real clarity—the administration's position seems to be that the war is and always has been necessary and justified, but that political considerations rule out a greater military effort to win it, while they cannot bring themselves to end it either by a negotiated compromise or a phased-out, complete withdrawal.

The single most important source of this paralyzing ambiguity is the continuing prevalence of the myth so implicit in the President's remarks last evening—a myth of which Mr. Nixon himself was one of the principal perpetrators: the notion that communism is a single, unified, centrally directed, conspiratorial force unalterably committed to conquest of the world. Though often denied, the notion keeps turning up. Mr. Rusk used to warn of the danger of a "world cut in two by Asian communism." Mr. Nixon referred last November 3 to "those great powers who have not yet abandoned their goals of world conquest," and he predicted that American withdrawal from Vietnam would "spark violence wherever our commitments help maintain the peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere." The President did not say how the spark would spread, but the explanation of why he thinks it would is implicit in his words: It is the old notion of the world Communist conspiracy, nurtured and sustained against all the compelling evidence which shows that, except in those areas such as Western Europe where the Russians bring direct physical power to bear, world communism has broken down into its national components, to such a degree that today communism is scarcely more united a force in the world than anticommunism.

Mr. President (Mr. Spone), in the case of Vietnam, it belabors the obvious—at least it would if the obvious were not under such steady challenge—to assert once again that the real force behind the long internal struggle is not ideology but Vietnamese nationalism. In his recent book on President Johnson's decision to end the escalation and initiate peace negotiations, Mr. Townsend Hoopes, the former Under Secretary of the Air Force, analyzed the war as follows:

North Vietnam was fighting *primarily* to achieve an unfulfilled national purpose. While it was, to be sure, fully aware of the implications for the wider application of the Mao-Ho-Giap insurgency doctrine, it was fighting not an abstractly ideological war, but a very particular war—in a particular place, characterized by a particular kind of terrain and weather, peopled by a particular breed of men and, above all, conditioned by a particular history. What really drove Ho's sacrificial legions was not the dream of world conquest, nor even the notion of generating a new momentum for Communist advance and triumph throughout Asia. What motivated Hanoi and enabled its leadership to hold 19 million primitive people to endless struggle and sacrifice against odds that were statistically ludicrous was the goal of national independence.

If our hands were cleared of the burden and our minds cleared of the Communist monolith obsession, we would perceive readily that the small country of North Vietnam, with which we have been at war for the last 5 years, is an authentically independent country, pursuing its own national objectives. These are the expulsion of foreign influence, the reunification of Vietnam and, quite probably, the establishment of their own dominant influence in all of former French Indochina. Though disagreeable to the United States and hardly benevolent, these designs are by no means to be confused with a conspiracy for the conquest of Asia. North Vietnamese ambitions are far less ideological, and much too restricted by the power limitations of a small, undeveloped country to possibly be a serious threat to the United States, or even to those Southeast Asian countries which have any real measure of political coherence and support from their own populations.

Some Americans argue that we must stay in South Vietnam in order to prevent the population from falling under the yoke of a Communist dictatorship. Whatever altruism that idea may have in the abstract, it has little merit in actuality. For most of the people of Southeast Asia—certainly for the Vietnamese—there is no available democratic alternative. The choice lies between the harsh but relatively efficient and purposeful Communist dictatorship of the North and the equally harsh but corrupt and incompetent non-Communist dictatorship of the South.

Ideology in any case is of little consequence to poor and underdeveloped societies. Their requirements are more basic: they need governments which will refrain from robbing and plundering them, which will permit them the use and benefit of the land on which they live, and perhaps give them some assistance in cultivating it; which will provide basic medical services to protect them from common diseases; and which will provide at least elementary education for their children. Perhaps the time will come when political philosophy will acquire some importance for the villagers of Vietnam, Laos, and Cambodia. In the meantime, nothing could be further from their needs than those warring political ideologies which agitate the minds of statesmen in Washington, Moscow, and Peking.

To suppose in any case that the regime we are defending in South Vietnam has any knowledge of, interest in, or commitment to, democratic freedoms requires a greater capacity for self-delusion than is to be found among any but that dwindling band of old-school cold warriors whose demeaning definition of a democratic government is any regime, however decadent, which preaches undying hostility to communism.

Another superficially compelling rationalization for our continued participation in this war, in which we have no vital interest of our own, is the threat of a massacre in South Vietnam if we should leave. Raising this specter in his speech of November 3, Mr. Nixon warned that our "precipitate withdrawal would inevitably allow the Communists to repeat the massacres which followed their takeover in the North 15 years before."

Last evening, I must add, the President, once again, raised the same outmoded specter in his address. Even if it were as certain as the President takes it to be that a victorious Vietcong would murder large numbers of South Vietnamese civilians, it is not a rational policy to hold off this calamity by perpetuating the killing of both Vietnamese and Americans in this endless war. Even if the Communists were to do everything that Mr. Nixon fears, it is doubtful that they could match the daily, continuing bloodbath of the war itself.

For this has become a war of indiscriminate killing on both sides. Unable to distinguish between soldiers and civilians, as likely to have a grenade thrown at him by a woman or child as by an identifiable soldier, the American GI has learned to shoot first and ask questions later. He is doing no more than any of us would do under the circumstances—but he is doing it.

This war in which the enemy is indistinguishable from the people is the real bloodbath in Vietnam. To continue it so as to prevent possible Communist reprisals after the war is to rely on the same perverse logic as that contained in the now famous words of the American major who said after the Tet offensive in 1968: "We had to destroy Ben Tre in order to save it."

If once we made the decision that we were going to withdraw from Vietnam—finally and completely—it should be possible to have guarantees for the lives of South Vietnamese civilians included among the provisions of a negotiated settlement. The North Vietnamese—for what it is worth—insist that they have no intention of perpetuating a peacetime massacre. They say that they are prepared to live and even cooperate with anyone who favors the "independence, peace, and neutrality" of South Vietnam.

If in the end we should withdraw without a formal peace settlement, it would be a matter of honor to provide asylum for those South Vietnamese who might be unwilling to trust their fate to Communist promises. If it came to that, it would be far better to open our own gates to those who felt themselves endangered than to keep on sending

Americans to die for them in their own land. As for the Saigon generals, there should be ample facilities for them on the French Riviera.

On all counts, the evidence is overwhelming that this war is not necessary, that, indeed, its continuation is immensely detrimental both to our own interests and to those of the peoples involved. We keep fighting in Vietnam because we are not yet willing to acknowledge that we should never have gone there in the first place. The result is a policy of pure contradiction: torn between its stubborn adherence to the war and its political need to get out of it, the Nixon administration has devised a policy with no chance of winning the war, little chance of ending it, and every chance of perpetuating it into the indefinite future—the policy called Vietnamization.

## II. VIETNAMIZATION

The official logic of Vietnamization is that, by some miraculous means, we are going to strengthen our bargaining hand by weakening our military effort. It is indeed a unique strategy, quite probably unprecedented in the history of warfare: bringing pressure to bear on the enemy by withdrawing from the battlefield. As the President explained it in his press conference of December 8, 1969, gradual American withdrawal is supposed to induce Hanoi to negotiate on our terms because, as he put it, "Once we are out and the South Vietnamese are there, they will have a much harder individual to negotiate with \* \* \*"

If the President was speaking of Mr. Thieu's attitude toward negotiations, there can be no argument: He is much harder. But the President neglected to mention that it is not the political toughness of the South Vietnamese that is going to count if American forces are withdrawn but their military toughness, and in that department—despite the optimism expressed by the President in his speech of April 20—they are hardly a match for their Communist adversaries. That, let it never be forgotten, is why we went there with half a million American troops in the first place.

Novel as it may be, Vietnamization is a dangerous and unsound policy, more likely to lead to that "defeat and humiliation" which President Nixon so rightly deplores than to anything resembling an "honorable" peace. What it comes down to in plain commonsense terms is that, when you reduce your strength, you reduce your bargaining power. Thus far, our withdrawals have not been sufficient to make a major difference in the military balance. But, by the spring of 1971, when American forces are scheduled to be reduced to around 265,000 men, the military balance will be significantly altered—unless the ARVN shows a far greater capacity of improving its effectiveness than we have any reason now to expect. What, then, if the Communists undertake a massive offensive aimed at winning the war outright? Would we reescalate the war, taking those "strong and effective measures" of which President Nixon has repeat-

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edly warned, or would we accept the defeat?

Neither American military personnel in Vietnam nor the South Vietnamese themselves are sanguine about the prospects of Vietnamization. According to staff members of the Senate Foreign Relations Committee who went on a study trip to Vietnam in December 1969, American military officers have very little to say about the prospect for South Vietnamese military self-sufficiency, and when they do talk about it, it is in the time span of 2 to 4 years. President Thieu said recently that the withdrawal of American ground combat forces by the end of 1970 was an "impossible goal" and that, instead, "it will take many years" to remove these forces. President Nixon said nothing in his speech of April 20 to indicate a different assessment on his part.

Congress is as much in the dark as everybody else about the timetable for Vietnamization. Even in closed session of the Senate Foreign Relations Committee, the Secretaries of States and Defense have consistently declined to indicate how long the process is expected to take and how many Americans might remain in South Vietnam for the indefinite future. It is well to remember that there are still 50,000 American soldiers in Korea, 17 years after the end of the Korean War, despite the fact that the Republic of Korea has a large and effective army of its own, a defensible frontier, and freedom from internal subversion. How many Americans may be required to sustain the Saigon regime, which has none of the assets of South Korea? The administration steadfastly refuses to divulge the answer. That, I think, is because it has no answer.

### III. AN INDOCHINA WAR

Even if it worked, Vietnamization would be a futile policy, because it no longer covers the situation in Southeast Asia. "I feel," the late Vietnam expert Bernard Fall once remarked, "like it is 1913, and I am an expert on Serbia who is about to be outstripped by events." The import of Fall's apprehension was that Vietnam might one day be consumed in a far wider conflict just as the Serbian controversy was consumed and then forgotten in the flames of World War I. One hopes it will never come to that, but the spread of hostilities to Laos and Cambodia has already made it obsolete to speak of a Vietnamese war. In fact, with or without official recognition, we are now quite busily engaged in what Fall had the prescience several years ago to perceive as a "second Indochina war," a sequel to the struggle between the Vietnam and the French for domination of the entire Indochinese peninsula.

Increasingly the North Vietnamese and even the Chinese are referring to the conflicts in Vietnam, Laos, and Cambodia as a single "struggle for Indochina." As Mr. Stanley Karnow, one of the most perceptive journalists reporting from Indochina, commented recently:

The Communists are making it clear that they are prepared to expand the war over the artificial boundaries that separate the Indochinese states, and there is no reason to doubt their intentions.

There is hope as well as menace in this new situation, depending upon how the Nixon administration responds to it. If it follows the counsel of some of its military and civilian advisers in Vietnam and expands American military activities in Laos and Cambodia, then a predictable spiral of challenge and response will soon put an end both to Vietnamization and deescalation of the war. If, on the other hand, Mr. Nixon and his advisers see what Bernard Fall perceived long ago, that there can be no solution to Vietnam except in the context of a general solution to Indochina, they might then revise their entire strategy and put us for the first time on a sensible course toward peace.

Stalemated by superior American firepower in Vietnam, the Communists appear to have embarked upon a general Indochinese strategy aimed at surrounding and isolating the American position in South Vietnam.

In Laos, despite a momentary abatement of hostilities, the military strength of the American-supported army of Meo tribesmen appears to be slowly deteriorating. Although the Communists have made no thrust toward the administrative capital of Vientiane, their dominance over northeastern Laos is virtually unchallenged except by continuing American air attacks. These air strikes, according to reports, are being conducted round the clock, amounting to an estimated 18,000 sorties a month. Meanwhile, despite fearful harassment from the air, the North Vietnamese continue to move supplies across the Plain of Jars toward the few remaining anti-Communist strongholds in northeastern Laos.

As an American diplomat recently explained to a diligent reporter:

The important thing is that the clandestine army is being destroyed and the U.S. bombing cannot stop it. This happens every day, in little skirmishes you never hear about. When Long Tieng finally crumbles, the Communists will have consolidated their own on northeast Laos. American bombing can make life hell for them, but it cannot stop them. Laos, in its typically leisurely way, is going down the drain.

In truth, our position in Laos borders on helplessness. Secretary of State Rogers all but confessed as much in a television statement on March 17. "We hope," he said, "that what they are up to is to make their negotiating position a little stronger. We hope that they do not intend to overrun Laos."

Whatever the precise Communist objective in Laos, it is already having the effect of undermining the foundations of the Nixon Vietnamization policy. In a military sense, it raises the long-term prospect of locking American forces into a beleaguered South Vietnamese enclave, while North Vietnam establishes its hegemony over the rest of Indochina.

Aside from continuing our indecisive bombing campaign in Laos and hoping for the best, the administration has two equally distasteful alternatives. It can simply give up any further hope for salvaging Laos and thereby see its Vietnamization strategy undermined by inaction; or it can send American ground forces, or a greatly increased

number of Thais, into the Laotian war, thereby abandoning the Vietnamization strategy and reverting to escalation. In the latter event, there is no telling where the escalation would stop. In a phrase reminiscent of the days before their "volunteers" swarmed into Korea in 1950, the Chinese have already responded to the entry of Thai forces into Laos with the warning that they "will not sit idly by."

The situation is hardly more promising in Cambodia; it may indeed be worse. With more bravado than wisdom, the new regime of General Lon Nol has undertaken to drive the North Vietnamese and Vietcong forces out of the borderlands of Cambodia. The trouble is that the weak Cambodian Army is in no position to do it unless it receives a massive injection of American arms, and that, in fact, is exactly what appears to be in the offing.

With indeterminate but unmistakable American support—support, incidentally, that was revealed more fully to the American people last evening—South Vietnamese troops have been striking at North Vietnamese and Vietcong units inside Cambodia. The Communists in turn have called on the Cambodian people to overthrow their new government and are using their forces within Cambodia to weaken the new regime. The Phnom Penh regime, for its part, is showing itself impotent against the Vietcong, while its troops, with or without official approval, have committed atrocious mass murders of Vietnamese civilians living in Cambodia.

It has long been the desire of American and South Vietnamese military officials to attack the Communist sanctuaries in Cambodia. From a purely military standpoint this is understandable, but the political implications are ominous. They raise the possibility of escalation in still another direction, under circumstances the Thieu government must surely welcome as a golden opportunity to put an end to American troop withdrawals by plunging the United States into a wider, Indochinese war.

Mr. Nixon and his advisers may feel tempted to come to the support of the anti-Communist but relatively powerless new regime in Phnom Penh. On the other hand, the administration must surely recognize the risks involved in an expansion of the war into Cambodia. The Vietcong and North Vietnamese have already turned that formerly neutral country into a battleground, and done so with the blessing of the ousted Prince Sihanouk, who has cloaked the Communists with legitimacy by creating a government in exile and by calling for a national liberation army to fight "with other anti-imperialist peoples forces of fraternal countries."

It escapes my understanding how, under these altered circumstances, the administration still fails to recognize that it is involving itself in an Indochina war which can only be resolved by an Indochina strategy. To continue relying on Vietnamization under these circumstances is comparable, in Bernard Fall's World War I analogy, to throwing resources into Serbia long after the



Western Front had exploded. The Communists have made it abundantly clear that they are not going to allow us to press our military advantage in Vietnam without circumventing it by exploiting the power vacuums in Laos and Cambodia. Even more to the point, they have made it abundantly clear that, although they cannot expel us from Indochina, they are able and determined to thwart the policy of Vietnamization. The premise of that policy is that American intervention can be reduced to a level at which it may be sustained indefinitely without undue political disruption at home. That premise has been discredited by events in Laos and Cambodia, if not indeed by conditions in Vietnam as well. We are going to have to plunge into Indochina all the way and face the enormous consequences at home and abroad, or we are going to have to get out.

#### IV. THE WAY OUT

The obvious and desirable way out is through a negotiated political settlement. President Nixon, however, appears to have given up on the Paris negotiations, insisting that the only alternative to Vietnamization is "immediate precipitate withdrawal." The North Vietnamese Government, he told Congress in his report of February 18, "has adamantly refused even to discuss our proposals" and, further, "has insisted that we must unconditionally and totally accept its demands for unilateral U.S. withdrawal and for the removal of the leaders of the Government of South Vietnam." He repeated this in scarcely altered words on April 20.

Reports by numerous unofficial and foreign observers suggest that the President's reading of the North Vietnamese position is inaccurate. Reputable individuals who have met with North Vietnamese officials both in Hanoi and in Paris assert that they do not insist on a complete American withdrawal prior to the conclusion of a settlement, nor do they demand a Vietcong takeover of South Vietnam. What they do insist upon, according to these observers, is an American commitment to a definite schedule for complete withdrawal of American forces and a transitional coalition regime to rule in Saigon until such time as a permanent government can be constituted. What the North Vietnamese and Vietcong are not able to accept are the following: an indefinite American presence; the continuation of the present South Vietnamese constitution—known to them as the "Johnson constitution"—which prohibits Communists from any participation in the government; and control of the election procedure for a permanent government by the present Saigon regime.

Aside from the continued presence of American forces in Indochina, the crucial question is quite simple: Who is going to rule South Vietnam? That is what the war is all about.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Tennessee.

Mr. GORE. Unless the United States is willing to negotiate and perhaps compromise on this issue, can there be any successful negotiations?

Mr. CHURCH. Of course not; and President Nixon's constant repetition of the unwillingness of the other side to negotiate, like the similar refrain of his predecessor, never acknowledged that as long as we remain committed to the perpetuation of the Saigon regime there is nothing for the other side to negotiate about.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. GORE. I recently read an article by the noted writer, Theodore White, in which he characterizes his position as offering nothing but humiliating defeat. Indeed, he expressed the view that neither side offered the other side in the Paris conference anything but humiliating defeat.

Mr. CHURCH. I concur. As long as both sides hold to that position, obviously there is no hope for a negotiated settlement. It is not the obstinacy of the other side alone that has prevented a settlement; it is the fact that our terms, as well as theirs, call for what is tantamount to surrender. As long as this position continues, there will be no progress at the negotiating table.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Tennessee.

Mr. GORE. I know the able Senator wishes, and I am sure the senior Senator from Tennessee wishes, to proceed with the greatest of caution in this tragic and critical day. Even in that spirit I wonder if it would be in order to ask the able Senator if the actions now under way in Cambodia and the President's statement with respect thereto do not in fact specifically involve a widening of the commitment of the United States in Southeast Asia to the point of committing us to support the lone No. 1 government in Cambodia.

Mr. CHURCH. This, as the Senator well knows, is the grave danger. The President last night, for the first time, announced his decision to furnish the Cambodian Government with substantial quantities of arms, in response to the request of the new regime.

We know from our experience in Vietnam that once we undertake to supply arms to a foreign government, the pressure immediately begin to build for larger and larger quantities of arms, and for more and more sophisticated arms. Then comes the need to send in instructors in the use of these arms, thus committing American personnel. Then comes the call for American troops to bolster an army we are assisting through advice, instruction, and the gift of arms. The same progression of events looms before us as took us into the bottomless bog in South Vietnam.

With that bitter experience immediately behind us, I think it is a serious error to assume a new set of obligations to the government in Phnom Penh to which we owe nothing—no treaty, no promise, no commitment—until last night. I think this is a course fraught with peril.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I am happy to yield to the Senator.

Mr. GORE. An invasion of a small country, for whatever purpose, creates not only great political problems for the United States, both domestically and throughout the world, but also, specifically in this case, our action taken without treaty obligations, and as the Senator has stated, without authorization by Congress, creates a pattern which looks apprehensively like the Vietnam pattern. Indeed, is this not Vietnam all over again?

Mr. CHURCH. I say to the Senator it could easily become just that. The first step we have now taken in Cambodia is very much like the first step we took in Vietnam.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. GORE. The Senator listed a few moments ago the chronology of the escalation of a commitment. I think the Senator omitted the last one, which is to continue and maintain U.S. military forces and economic aid to whatever extent necessary to maintain in power those leaders which we find agreeable.

Mr. CHURCH. That certainly has been the course we have followed in Vietnam. I would hope it is not duplicated in Cambodia.

The President sought to reassure the country last night that our military strikes into Cambodia are meant to be temporary in nature; that the objectives are, first, to seize the caches of weapons and supplies that the Vietcong and the North Vietnamese have located along the borderlands of Cambodia and, second, to eliminate their forward bases in the area. After which, the President said, the U.S. forces and the South Vietnamese forces would withdraw.

If this is really going to be a temporary military ploy, then the best we can hope from it is a temporary result; for surely, after we have withdrawn, if 5 years of bitter experience in Vietnam mean anything at all, it follows that the enemy will return to the same areas and reestablish the same kind of bases all over again. And this war, which is becoming endless, which is now the longest war in our history, and one of the costliest, will continue. It will then be necessary, based on the President's logic last night, to return again and destroy these bases.

So, it seems to me, the military justification for this move is very doubtful. Indeed, unless the purpose is to occupy portions of Cambodia and remain there, so as to exclude the enemy from these borderlands indefinitely, then the most that can be hoped for is the temporary removal of the bases about which the President complained.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. Yes, I am happy to yield.

Mr. GORE. The unhappy experience which the senior Senator from Tennessee has observed from behind the closed doors of the Senate Foreign Relations Committee is not very reassuring. I recall that we were advised that a "bloodying of the nose"—I believe that phrase was used—of North Vietnam after the



so-called Tonkin incident was somehow going to save American lives. I recall how we were going to bomb North Vietnam to the conference table, though the conference did not actually begin until after the bombing ceased. Indeed, I recall a number of things, so many that it is frustrating and depressing in this—

Mr. CHURCH. May I remind the Senator of an observation he made in the committee only yesterday which I regarded as pertinent and profound—

Mr. GORE. Anytime someone finds an observation of mine which is pertinent and profound, I want him to shout it to the rooftop.

Mr. CHURCH. I will now proceed to shout it to the rooftop.

Mr. GORE. Be sure every one hears it.

Mr. CHURCH. The distinguished Senator from Tennessee turned to me at one point of the proceedings yesterday behind the closed doors of the Committee on Foreign Relations and he said,

All of this action is premised upon the need to eliminate enemy sanctuaries.

He said,

Where are these sanctuaries? If today they are on the Cambodian frontier, tomorrow they will be just behind it, just beyond the furthestmost reach of the American military penetration. Indeed, the enemy sanctuary lies in all of Asia behind it.

The Senator from Tennessee went on to observe:

And we have sanctuaries, too. What is Thailand, but our sanctuary? What is the sea around the peninsula of Indochina, totally dominated by American naval forces, but our sanctuary? What is the air above the fighting ground, completely controlled by the United States, but a form of sanctuary?

Then he went on to observe that if this war becomes a pursuit of sanctuaries, every thrust will be met by a counterthrust. That is the conclusion which must be drawn from the last 5 years of experience, and the effect will be a spreading war.

Mr. GORE. It sounds even more profound when it is repeated.

Mr. CHURCH. I think the Senator from Tennessee presented a complete rebuttal to the argument made by the President last evening.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CHURCH. I am happy to yield.

Mr. GORE. I was in the committee, sitting across the table, once again, listening with the distinguished Senator from Idaho when Secretary McNamara expressed the view, some 4 or 5 years ago, that the American boys would be home for Christmas. Only a year ago I heard Secretary Laird, in response to my interrogation, say, "We have turned the corner." The best I recall, that was about the fourth time that I heard officials of the executive branch in high positions of high authority express the view that we had turned the corner in Southeast Asia. According to my calculations, when you turn the corner the fourth time, you start all over again around the block.

I recall that just a few months ago—perhaps about a year ago—an official of the administration proclaimed that he

could see the light at the end of the tunnel.

Mr. CHURCH. And it turned out to be Cambodia.

Mr. GORE. And it was only 11 days ago that President Nixon himself told the American people that he could say confidently that peace was in sight.

Can it possibly be that this major military operation was not in preparation 10 days ago? This is disturbing. I do not know when the decision was made. I make no charges about it. I do not know. But I cannot believe that a major invasion of a country with thousands of troops would be initiated overnight. There must have been some planning. There must have been some logistic movement. There must have been troop preparation and positioning. And, yet, 11 nights ago we heard a speech entirely different from the one last evening. Only last Monday Secretary Rogers was before the Senate Foreign Relations Committee in executive session.

I do not wish to reveal any of those proceedings, but I can say that nothing regarding a major invasion of Cambodia was whispered to the committee.

Mr. CHURCH. No, nor indeed even hinted at. That is how the Senate was advised of the extension of this war into another country in Southeast Asia.

Mr. President, aside from the continued presence of American forces in Indochina, the crucial question is quite simply: Who is going to rule South Vietnam? The only feasible basis for compromising that question is a sharing of power between the warring factions; the appropriate term, so much out of favor, is a coalition. When all the political manifestos and diplomatic terms of art are set aside, the conditions for peace in South Vietnam are clear: Either some form of coalition is going to be formed, or the war is going to go on until one side or the other prevails.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHURCH. I ask unanimous consent that I may proceed for an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. If we can agree to these two basic conditions—ultimate, total American withdrawal by a definite date and some form of coalition—a negotiated peace is probably attainable. My own belief, for the reasons I have tried to spell out, is that a settlement along these lines is consistent with our interests, compatible with the security of Southeast Asia, and quite possibly in the best interests of the South Vietnamese people. It is obviously not a desirable arrangement from the personal standpoint of Mr. Thieu and Mr. Ky, but—lest it be forgotten—we are not as a Nation committed to those two gentlemen or to the perpetuation of their political careers.

The real question on which the prospect for a negotiated peace turns is the attitude of President Nixon and his advisors. If they can bring themselves to acknowledge the character of America's interests in Southeast Asia, the realities of an Indochina war and the necessity for an Indochina settlement, the logjam

might be broken more speedily than anyone now supposes. If, on the other hand, as seems more probable—in fact, as seems, sadly, to be the case, based upon the disclosures of last evening—they cling to the crumbling premises of Vietnamization, there can be little prospect of a negotiated settlement. In that event, it would seem appropriate for the Congress, with its own special responsibilities for foreign policy, to reevaluate its position and the resources available for giving weight to its judgments.

In the belief that Congress has the responsibility—not just the right but the responsibility—to provide the President with advice as well as consent in matters of foreign policy, a number of us in the Senate have taken legislative initiatives in recent months designed to advance the kind of peace settlement which we believe to be in our national interest. Most of these legislative proposals have been hortatory rather than mandatory, designed to encourage the President as strongly as possible to bring the war to an early end but not to impose upon him an inflexible course of action.

The administration has scarcely shown any interest much less responsiveness, to the various recommendations of Senators of both parties—except in those few instances in which Senators have praised or endorsed the course which the administration is already following. It has, therefore, seemed appropriate to go a step beyond exhortation and to begin to use the explicit war and appropriations powers vested in the Congress by the Constitution.

To this end, I joined with the majority leader, Senator MANSFIELD, and my distinguished Republican colleague on the Senate Foreign Relations Committee, Senator COOPER, in sponsoring last December an amendment to the fiscal 1970 military appropriations bill prohibiting the use of any funds under the bill "to finance the introduction of American ground troops into Laos or Thailand." The Church-Cooper amendment was adopted by a four-to-one margin—73 to 17.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. GORE. In retrospect, does not the distinguished Senator now regret that he did not include Cambodia in that amendment?

Mr. CHURCH. I do, indeed. If Congress had taken action then to include Cambodia in a timely way, I think we would not today be faced with the grim prospect of a widening war.

Last week, Senator COOPER and I announced that we shall ask the Senate to expand this prohibition to include Cambodia, which has now been invaded by South Vietnamese troops aided and supported by American Forces.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. CHURCH. Yes, I am happy to yield.

Mr. GRIFFIN. The Senator stated that Cambodia has been "invaded" by South Vietnamese forces. Does he mean to leave the impression that there is an

intention on the part of South Vietnam to occupy any of the territory of Cambodia? Does the Senator intend to leave that impression?

Mr. CHURCH. Oh, yes, I purposely used the word "invasion," because that is what it is. The Senator is acquainted with the definition of the term "invasion." If he looks at that definition, either as comprehended by international law or as found in Webster's dictionary, I defy him to distinguish our action and that of the South Vietnamese forces from the definition he will find.

Mr. GRIFFIN. How does the Senator—

Mr. CHURCH. Let me finish. The Senator has asked the question.

No one contends—the President did not contend last night—that this movement of American and South Vietnamese forces into Cambodia comes at the request of the Cambodian Government. In fact, the news of yesterday indicated that the Cambodian Government had protested our action.

It is true that the President said his objectives were temporary.

If his objectives are temporary, then the results will be temporary; and the very problem of which he complains, the existence of these sanctuaries, will reappear again shortly after we withdraw.

I do not think that a temporary military ploy has ever brought permanent military results.

Mr. GRIFFIN. I regret that I was not in the Chamber earlier and I have not heard all of the Senator's speech. How would he characterize the presence of North Vietnamese and Vietcong forces in Cambodia?

Mr. CHURCH. As an invasion. I just want to be candid enough to admit that an invasion is an invasion. What sense does it make to say that the enemy invades, when it occupies Cambodian territory without the consent of the Cambodian Government, but that we do not when we occupy Cambodian territory without its Government's consent?

Mr. GRIFFIN. There is quite a difference, however, because the Communists are occupying Cambodian territory and have been occupying it; on the other hand, we do not intend to occupy Cambodian territory and everyone knows that is the case.

Mr. CHURCH. I suggest to the Senator that the fact that these sanctuaries have existed for 5 years means that the Vietcong and the North Vietnamese had indeed invaded Cambodia, but nothing in the developments of the last week or two in Phnom Penh has changed the nature of the military situation in South Vietnam occasioned by the existence of these sanctuaries. The President had heretofore premised his Vietnamization policy upon an acceptance of that situation. Last night he changed his policy.

But we cannot honestly say that it is an invasion when somebody else does it, but it is not an invasion when we do it.

In addition, Senator COOPER and I are joined this week by Senator MANSFIELD and the ranking Republican member of the Foreign Relations Committee, Senator ARKEN, in the sponsorship of an

amendment to the pending military-sales bill that would, if adopted, prohibit the delivery of arms, or the introduction of American military instructors or advisors, into Cambodia, and set the limits on any American participation in combat within or above Cambodia.

It is unquestionably within the constitutional power of Congress to bar the dispersal and delivery of American military weapons, services and supplies to a foreign government. Legislative prohibitions are needed now, because of the pending request of the new Cambodian Government for military aid from the United States—far in excess of what the President has already granted. No reliable assessment exists in respect to this new Cambodian Government. We know not of its character; nor do we know the limits of the popular support it may command. Moreover, the United States owes no obligation to this new government; we have no defense treaty with it—nor with its predecessor. We have made no previous commitment to Cambodia. We have no responsibility to come to its defense. Yet, without giving Congress any prior notice, let alone asking for its consent, President Nixon has already started through the opened door. He has ordered American forces to participate with South Vietnamese in an invasion of Cambodian territory. This is done in the name of denying the enemy its supply depots and forward bases just within Cambodia's borders. But when it comes to sanctuaries, we would do well to remember that all of Indochina behind the enemy line is its "sanctuary."

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GRIFFIN. The Senator said the President has taken this action "in the name of" cleaning out Communist sanctuaries. I am sure the Senator does not intend to infer that there is some other reason or that the President is not telling the truth?

Mr. CHURCH. No, of course not.

Mr. GRIFFIN. I thank the Senator. His words could have left that impression.

Mr. CHURCH. If that was the impression left in the Senator's mind, let me clear it up. Obviously, the objectives, as the President explained, are these sanctuaries. But, as I was saying, when it comes to sanctuaries, we would do well to remember that all of Indochina behind the enemy lines is its "sanctuary."

We would do well to remember that we have our "sanctuaries" too—in Thailand, for example. If this is now to become a war in pursuit of "sanctuaries," then past experience suggests that each new thrust will be met with a counterthrust, and the war will spread.

Mr. President, I want to acknowledge that this observation was prompted by the remarks of the distinguished Senator from Tennessee in the discussions in the Committee on Foreign Relations yesterday.

Mr. GORE. I thank the Senator. Will the Senator yield?

Mr. CHURCH. I yield.

Mr. GORE. Where is the key sanctuary of North Vietnam? Is it in Cambodia, is it in Laos, or is it in North Vietnam itself?

Mr. CHURCH. Of course, North Vietnam itself.

Mr. GORE. If, by reason and logic, the security of the United States impels an invasion of another nation, why should we pick upon neutral, little Cambodia? I am not advocating an invasion of North Vietnam. Indeed, the nature of the war in Indochina, in essence, though it be one war, argues not for a widening of the war but for a settlement of the war, a compromise peace. But, if we must pursue sanctuaries, why start after the minor sanctuaries? I think it is an unsound policy, in the first place.

Mr. CHURCH. I agree with the Senator. The pursuit of sanctuaries is endless.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. CHURCH. Either we engage in one strike and withdraw, in which case the sanctuaries will be reestablished, or we pursue the receding sanctuaries until finally, as the Senator from Tennessee suggests, we occupy the whole of the enemy territory.

I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. I thank my distinguished colleague.

The PRESIDING OFFICER. The additional 15 minutes of the Senator from Idaho have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may be allowed an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I need advise no Member of this body that I am not a member of the Committee on Foreign Relations. I readily admit that members of the Committee on Foreign Relations undoubtedly have had far greater access to classified information than I have had, and I do not rise at all to take issue with my distinguished and good friend from Idaho on the basis of what I know as compared with what he knows. I rise, rather, simply to make an observation that I hope might bring back into the context of the understanding of the average person a little more clearly what the President said last night.

In my judgment, I think the President of the United States made clear that we are still fighting the same enemy we started fighting back in the beginning of the decade of the 1960's. The only thing that I see that was changed by the actions he took last night was to say that no longer would we let that enemy choose the battleground. We propose now to exercise some of the latitude which heretofore has been almost solely at the discretion of the enemy as to where that battle should take place. I think now the President has made clear that we propose, on our initiative, to decide where we might fight the enemy, as well as where he may choose to fight us.

Mr. CHURCH. I thank the Senator for his observation.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. As I listened to the President's message last night and as I have listened to the excellent speech of

the Senator from Idaho, which I wholeheartedly endorse, I wondered what the status of the so-called Nixon doctrine or Guam doctrine is in the light of our intervention in Cambodia. Would the Senator help place that in perspective?

Mr. CHURCH. I would say to the Senator that, as I have understood the Guam doctrine, the President intended hereafter that other Asian governments should assume the primary responsibility for their own defense and that American troops would not be employed again for that purpose.

On the particular facts of this case, it is possible to make a distinction. Of course, it is always possible to distinguish one case from another. But this action clearly is contrary to the spirit of the Guam doctrine. Moreover, it directly contradicts the Vietnamization policy, for it looks in the direction of a reduced American involvement toward bringing our troops home, while this action looks in the direction of a new front and, with it, all the risks of a widening war.

Mr. MONDALE. Mr. President, as a matter of fact, the Senator's excellent speech confirmed my feelings following the President's message of last night that, among other things, this new effort is an admission that Vietnamization is not working.

I do not recall the President ever having conditioned his withdrawal policy, which I have supported and which I think all of us have supported, on the ground that it would work only if the sanctuaries were removed from Cambodia, Laos, or any other place. Thus, it would seem to me that this new policy, announced last night, is an admission that U.S. troops are needed, in any escalating way, to do something that had to be done because of the fact that Vietnamization forces are unable to take care of their own problems and defend themselves. Would that be correct?

Mr. CHURCH. I find it hard to argue with that proposition. Eleven days ago, the President told us that Vietnamization was working, that he was confident it would prove successful, and that 150,000 more American troops would come out in the coming year. All of that was premised upon these same sanctuaries which have existed for 5 years. No new, sudden, dramatic change of this situation has occurred in South Vietnam.

I think that if the President was right in his expression of confidence 11 days ago, then the South Vietnamese troops, that he believes to be adequate for the defense of the entire country, certainly should have been adequate to deal with a few sanctuaries along the Cambodian border.

Mr. MONDALE. I believe that this is perhaps the most tragic mistake our new President has made. We are expanding the war. This is a major escalation. I think it will widen the war. It will cause it to last longer. The number of American boys killed and seriously injured will rise.

I deeply hope that the President will change his policy immediately.

I intend to join with any of my colleagues in any reasonable step to use the power of Congress to prevent governmental authority on appropriations to be used to pursue this policy.

Mr. CHURCH. Mr. President, once the Cambodian boundary has been breached, it takes no exercise of the imagination to forecast that pressures will soon develop for sending a full-scale American military mission into that country which, in turn, will generate a whole new set of American obligations to defend the new Cambodian regime. It is this very sequence of events that led us ever deeper into the morass in Vietnam. We travel down that tragic trail again in Cambodia.

The overriding concern for us in Southeast Asia should be the military situation in South Vietnam, where our troops are already so heavily committed. Here, our position has not been altered by the recent overthrow of Sihanouk. For years now, the Vietcong and North Vietnamese have been utilizing border bases in Cambodia. But this administration, like its predecessors, had accepted that very condition. President Nixon himself had premised his policy of "Vietnamization" on acceptance of that condition. By extending aid to South Vietnamese troops invading Cambodia, the President has opened up a new war front in Indochina and, thereby, has placed in the gravest jeopardy his declared policy of deescalating American participation in the war.

The time has come for the Congress to draw the line against an expanded American involvement in this widening war.

Mr. President, we do have responsibilities that extend beyond acquiescence to the President of the United States when it comes to broadening the perimeter of this war.

The war power was vested by the Constitution of the United States in Congress.

The power of the purse belongs to Congress.

It is within our means, therefore, to establish the outer limits of American participation in this widening war.

Too much blood has been lost—too much patience gone unrewarded—while the war continues to poison our whole society. Whether by a negotiated compromise or by a phased, orderly but complete American withdrawal, it is time to put an end to it. If the executive branch will not take the initiative, then the Congress and the people must—the longer the bankrupt policy of Vietnamization continues, the closer it brings us to that which it purports to avoid: disaster and defeat.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. MANSFIELD. I commend the distinguished Senator from Idaho for expressing very frankly the views which he holds on Vietnam and which he has held consistently down through the years.

What the Senator from Idaho and other Senators who have spoken today, on both sides of the aisle, are indicating is an uneasiness which affects all of us, regardless of party. All of us—and I am sure the President as well—are aware of the tremendous stakes involved and the potential danger inherent in the situation which now confronts the Nation.

I only hope that out of this will come a better degree of understanding among

all of us, a recognition of the fact that this war has cost us approximately 325,000 casualties, that we have spent more than \$100 billion, that because of this war our problems at home have become exacerbated, that because of this war the divisions among our people have increased and that because of this war the difficulties which we will have to face up to—whether we like it or not—throughout the Nation, have either been aborted, decreased, or forgotten altogether.

Thus, I hope that this debate will remain on a respectable basis—and a respected basis, as well—that it will be carried on responsibly, and that what the Senate has to say, regardless of one's personal feelings in the matter, will indicate to the administration that there is concern, that there is uneasiness, that there is worry about the situation which has developed, which we think affects all of us, including the President, the Members of the Senate and the House of Representatives, and the American people as a whole.

I commend the distinguished Senator from Idaho for his remarks today.

Mr. CHURCH. Mr. President, I thank the distinguished majority leader.

Mr. President, I ask unanimous consent for sufficient time to yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I congratulate the distinguished Senator from Idaho on his speech and associate myself with his words and those of the majority leader.

I, also, do not agree with the words and actions of President Nixon. However, having made them, I only hope that the actions will be successful. Personally, I do not think they will be. In fact, I believe that this enlargement of the war can result not only in a geographic enlargement, but also in an increase in the level of violence and certainly in the number of our men killed.

We also have to bear in mind that there is an indefinite source of manpower available to the North Vietnamese. We may be successful in securing the areas into which we are entering. We may drain off some more North Vietnamese manpower. But whenever they run out of manpower, there is an almost inexhaustible source of Chinese manpower more than anxious to enter into the fray.

I hope that will not happen.

Mr. President, yesterday on the floor I suggested that the matter be taken up at the Security Council. Events have moved rapidly since then. However, I still believe that this is a matter that could be taken up there.

Perhaps our actions would be criticized in that forum. Nevertheless, I think the net result would be to share the burdens in that part of the world with other nations and perhaps be able to more properly remove ourselves from Indochina, sharing the responsibility a bit more equitably.

I had heard to my regret that there are those who would like to form a Democratic coalition to oppose the President in this matter and that the Democratic National Committee might move in this regard.



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I think that would be a dreadful mistake.

This matter is beyond partisan consideration. There are just as many Republicans as Democrats who are opposed to the President and just as many Democrats as Republicans who are in favor.

I know that last night I received a phone call in the middle of the night from a friend of 30 years standing, a conservative Republican in Colorado. He wanted to know what he could do as a good Republican to divert us from the course of disaster which he saw ahead.

I think that if our Democratic leadership or party were to move in a partisan direction, they would be making a great mistake. The opposition or support for this move is far beyond politics. I would hope that we would bear this in mind.

Mr. CHURCH. Mr. President, I fully concur with the distinguished Senator from Rhode Island.

The reason that I have joined with the Senator from Kentucky (Mr. COOPER) in offering certain amendments to be considered in the Committee on Foreign Relations was to dramatize the bipartisan character of our dissent.

It is only on that basis that the Senate would consider such amendments, for in a matter of war and peace there is no party aisle that divides the Senate.

Mr. President, I yield the floor.

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent editorial published in the New York Times which states that the President is rejecting his own Nixon doctrine.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### MILITARY HALLUCINATION—AGAIN

The assurances that the American-backed South Vietnamese drive into Cambodia is a limited, one-strike operation, an integral part of American operations in Vietnam and designed only to protect American and "free world" forces there, have a familiar and wholly unconvincing ring.

This is the same kind of reassuring rhetoric Americans have heard from their leaders at every stage of this country's long, misguided plunge into the Southeast Asian morass. Time and bitter experience have exhausted credulity of the American people and Congress. Presidential assurances can no longer be accepted in an area where actions, as Mr. Nixon's aides have observed in another context, speak louder than words.

The President's action in sanctioning the South Vietnamese invasion of Cambodian territory, with American advisers and air and other support, goes far beyond the Cambodian policy followed by Mr. Nixon's predecessors, even at times when the predicament of allied forces in Vietnam was far more perilous than anyone would claim it is today.

This latest and largest in a series of allied intrusions onto Cambodian soil which have occurred regularly since the change of government in Phnompenh has far-reaching and serious implications even if the immediate objectives are limited, as the Administration avows.

If reports from Phnompenh that the attack was launched without consultation with the Cambodian Government are true, the strike is a clear breach of Cambodian neu-

trality, the Geneva Accords and the principles of international law which the Administration has repeatedly cited in connection with the long-known and equally illegal Communist Vietnamese presence on Cambodian soil.

The allied drive into the Parrot's Beak will almost certainly provoke some reaction from Hanoi, and perhaps from Peking, with consequences throughout Southeast Asia that cannot be predicted but which could be fateful. At the very least, new threats to Phnompenh and fresh appeals for further American assistance can be expected.

Whatever he may plead to the contrary, President Nixon has rejected his own Nixon Doctrine in Southeast Asia, escalating a war from which he had promised to disengage. This is not the "new" Nixon who campaigned on a platform pledged to peace. It is more like the old Nixon who as Vice President in 1954 said the United States would have to send troops into Indochina if there were no other way to prevent its fall to the Communists, then on the verge of defeating the French.

Fortunately, now as then, Mr. Nixon's tough approach had produced strong opposition in both houses of Congress, even among some former staunch supporters of his Vietnamization policy. If the President does not promptly pull back from this dangerous adventure, Congress will have to assert its constitutional powers of restraint in the name of a people who have been asked once too often to swallow the military hallucination of victory through escalation.

Mr. MONDALE. Mr. President, on one other point. I do not recall this ever happening in my 5½ years of service in the Senate, but every hour, telegrams are pouring into my office from my State.

They are not inspired. They are obviously from deeply concerned Minnesotans from all parts of the State expressing outrage, concern, and heartache over the President's new policy.

At this point, the ratio of those favoring the President's policy as against it, is running 89 to 1 against the President.

I ask unanimous consent to have these telegrams printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

EDINA, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We deplore Nixon's involvement in Cambodia.

Mr. and Mrs. WILLIAM F. TURNER.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Demand that Congress stop the President's move in Cambodia immediately.

Mr. and Mrs. GORDON PETERSON.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Urge strongest opposition to Cambodia action earth needs, demands peace.

Mr. and Mrs. JAMES KEANE.

EDINA, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Please can you intervene negatively in the President's decision to become militarily involved in Cambodia? I am asking this as a United States citizen, a Minnesota taxpayer who has always supported you, an active voter, but most of all as a mother of a United States Marine.

Mrs. PATRICIA DE REMER.

DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We oppose any involvement in Cambodia. Fight for further deescalation in Vietnam. Try harder!

Mr. and Mrs. DAVID GIBBENS.

DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Stop our intervention in Cambodia. Bring our sons home now.

Mr. and Mrs. WILBUR FREED.

ST. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Cambodian involvement tragic mistake, urge immediate withdrawal all US troops from Southeast Asia.

DONALD S. LEHMAN, M.D.

DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

I'm against any escalation of aid to Cambodia.

Mrs. ROBERT BRIDGES.

DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Let not Cambodia be another Vietnam. Cannot sacrifice sons lives for something don't believe in.

Mrs. CAROL FRANKLIN.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Please help stop this latest involvement in Cambodia.

Mr. and Mrs. ROY E. MULLIN.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Don't let Nixon send our Air Force or our advisors into Cambodia.

NANCY BRASKET.

WINONA, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Do not support President Nixon's Cambodia escalation.

Mrs. HARRY BARNES.  
Mrs. KENNETH KNOLL.

DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We strongly oppose involvement in Cambodia. Pray you will do all to help prevent this.

BEN and JEANNE OVERMAN.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We strongly oppose and resent the extension of the war into Cambodia. We want to get out of Southeast Asia now.

Professor and Mrs. LEONARD PARKER.

NORTHFIELD, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We do not wish U.S. soldiers fighting in Cambodia. Next will be Red China.

Mr. and Mrs. C. S. CARLSON.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We support all action necessary to prevent intervention in Cambodia and expansion of Indochina War.

Mr. and Mrs. DAVID L. JOHNSON.



May 1, 1970

COON RAPIDS, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*  
Strongly urge no involvement in Cambodia. An immediate withdrawal from Vietnam will not support President.  
Mr. and Mrs. JAMES JAGELSKI.

MINNEAPOLIS, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
We deplore the presidential action involving Americans in Cambodia. We strongly urge you to protest on our behalf.  
Dr. and Mrs. MARVIN L. STEIN.

WINONA, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
Please voice vehement protest in further involvement in Southeast Asia.  
Mr. and Mrs. HERMAN WEISMAN.

ST. PAUL, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
Urge you exert every effort and influence to end Asian and Middle East involvement.  
Mr. JOHN W. PETERS.

ST. PAUL, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
We consider Cambodia further involvement in the Asian war and we protest.  
Mr. and Mrs. MAX SCHNITZER.

ST. PAUL, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
I am against sending American men or material into Cambodia.  
Mrs. BELLE SINGER.

ST. PAUL, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
Urge in strongest terms you fight insane new military commitment in Cambodia.  
EUGENE OGAN.

ST. PAUL, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
As mother of 18-year-old boy I'll send mine to Sweden rather than slaughter.  
Mr. and Mrs. DICK YAGER.

ST. PAUL, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
Stop the generals in Cambodia.  
RICHARD C. GREENE.

ST. PAUL, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
We oppose our commitment in Cambodia.  
Mr. and Mrs. H. C. POWELL.

ST. PAUL, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
We are completely opposed to President's extending war into Cambodia. Please do something immediately.  
Mr. and Mrs. ROBERT BREMER.

DULUTH, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*  
Believe Cambodia involvement counter to national interest strongly urge Senate curb the executive and military.  
Mr. and Mrs. JOHN POOLEY.

MINNEAPOLIS, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*  
Was shocked by the President's decision to

aid Cambodia. Cannot support decision for another war.

Mr. and Mrs. JAMES S. LEE.  
MINNEAPOLIS, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*

We urge your opposition to the President's decision to enter America into war in Cambodia.

Mr. and Mrs. RICHARD WEATHERMAN.  
MINNEAPOLIS, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*

We support all action necessary to prevent intervention in Cambodia and expansion of Indochina war.

Mr. and Mrs. ROBERT A. WINDSOR.  
MINNEAPOLIS, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*  
Urge you do all in your power to prevent Nixon's widening war in Southeast Asia.  
Mr. and Mrs. DON YELLOTT.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
We strongly object to the Cambodian action resulting in deeper involvement in Southeast Asia.

Mr. and Mrs. LEW HOKKANEN.

ONEIDA.  
MINNEAPOLIS, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*

I urge you to vigorously work to cut off all financial support for the new American military involvement in Cambodia regardless of the rhetoric about aiding the Vietnamization program. This new escalation can only result in more deaths. The President has contemptuously rejected the advice of the Congress by this action, and you have no alternative but to use your constitutional power over funds to balance the excessive power of the executive and military.

I greatly appreciate your efforts to date in this regards sincerely.

EARL CRAIG,  
*New Democratic Coalition.*

TRAVERSE CITY, MICH.  
Senator WALTER MONDALE,  
*Washington, D.C.:*  
Stop slaughter of Americans, and Southeast Asians. Get United States out of Cambodia-Vietnam now.

ROBERT G. LONG.  
MINNEAPOLIS, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*

I have sent the following telegram to President Nixon quote please keep all U.S. military personnel weapons and vehicles out of Cambodia and Laos. Your people will not believe reasons for becoming involved there. Please give the needs of America first priority unquote.

MAX O. SCHULTZE.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
Demand U.S. troops be withdrawn from Cambodia. Senate action requested to restrain presidential power.

Sister MARY KAY BUSKIN.

ST. PAUL, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*  
We consider Cambodia further involvement in the Asian war and we protest.  
Mr. and Mrs. MAX SCHNITZER.

DULUTH, MINN.  
Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
Strongly oppose our involvement in Cambodia. Urge you to do whatever you can in your power to cease the U.S. aid and involvement.

BEVERLY and ERWIN GOLDFINE.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
We are absolutely opposed to Nixon's sending troops and aid to Cambodia. Trust Senate can block such.

Dr. and Mrs. ROBERT HARLOW.  
FARIBAULT, MINN.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
Strongly urge you to use all possible influence to resist any commitment whatsoever in Cambodia. We must concentrate all effort to disengage Vietnam and avoid any further disasters in Asia.

R. C. BLISS.  
MOORHEAD, MINN.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
Extremely upset over President's decision to extend war. Please help; feel this war is wrong.

Mrs. ARVID BENSON.  
WASHINGTON, D.C.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
Please do what you can to reverse Nixon's Cambodia decision.

MARY HARLOW.  
DULUTH, MINN.

Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
You, as representative of the people of the United States, must assert yourself in our behalf in this Southeast Asian crisis.

DOROTHY B. FOCHS.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
Do all you can to prevent Nixon's expansion of the war work to make illegal what he has done.

JAMES MACDONALD.  
BEVERLY HILLS, CALIF.

Senator WALTER F. MONDALE,  
*Washington, D.C.:*  
125,000 mothers say no to Cambodia. We support any action to re-establish constitutional right of Congress to declare war.

DONNA REED OWEN,  
DOROTHY B. JONES,  
BARBARA AVEDON,  
*Co-Chairmen, Another Mother for Peace.*

ST. PAUL, MINN.  
Senator WALTER MONDALE,  
*Washington, D.C.:*

Request you take immediate Senatorial action blocking unconstitutional, unlicensed imprudent action announced today.

JOHN and MARY JEAN DEROSIER.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
We will not tolerate neither money nor arms nor advisers nor troops in Cambodia.

Mr. and Mrs. DANIEL E. WEINBERG.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
*Washington, D.C.:*  
Urge you to oppose in all possible ways any commitment in Cambodia.  
Mr. and Mrs. WILLIAM D. MUNRO.

May 1, 1970

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CONGRESSIONAL RECORD — SENATE

S 6529

MINNEAPOLIS, MINN.  
Senator WALTER MONDALE,  
Washington, D.C.:

As a Republican I strongly protest the involvement of Americans in Cambodia  
THEODORE F. RYAN.

MINNEAPOLIS, MINN.  
Hon. WALTER MONDALE,  
Washington, D.C.:

Stop the President's move to send U.S. forces to Cambodia.  
Mr. and Mrs. RAY CHISHOLM.

MINNEAPOLIS, MINN.  
Senator WALTER F. MONDALE,  
Washington, D.C.:

Applaud your challenge of the President on ABM urge your challenge of him on Cambodian intervention.

ELDON MASON.  
AUSTIN, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We must stop involvement in Cambodia.  
ELIZABETH HOLMES.

St. PAUL, MINN.  
Hon. WALTER F. MONDALE,  
Washington, D.C.:

We protest our additional involvement in Cambodia.  
Mr. and Mrs. RICHARD J. NOVAK.

DULUTH, MINN.  
Senator WALTER F. MONDALE,  
Washington, D.C.:

We strongly oppose U.S. involvement in Cambodia please help bring our boys home.  
Mr. and Mrs. RONALD J. WURSEN.

MINNEAPOLIS, MINN.  
Senator WALTER MONDALE,  
Washington, D.C.:

Pressure President, military abandon mad Asiatic nightmare before country completely bankrupt morally, financially.

Mrs. ROBERT A. GRAY.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Congress must act immediately to halt Cambodian intervention stop no more Vietnams.

MARTHA ROSEN.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We deeply protest any further involvement in Asian war.

Mr. and Mrs. NORMAN ROSE.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Urge you exert every effort and influence to end Asian and Middle East involvement.

Mrs. JOHN W. PETERSON.  
DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

No expansion of war in Southeast Asia or military aid to Cambodia.

Mr. and Mrs. THOMAS VECCHI.  
DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

America wants formal commitment. Pro or con. Please have vote.  
L. and S. CHRISTIANSON.

NORTHFIELD, MINN.  
Senator WALTER MONDALE,  
Washington, D.C.:

Deeply disturbed by President's decision on

Cambodia. Implore you to oppose U.S. military involvement there.

CARL and DOROTHY HOLMGREN.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Cambodian adventure shocking betrayal. American democratic process demand withdrawal on moral legal humanitarian grounds.

Mr. and Mrs. FRED PRASHNE.  
DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Our family strongly opposes enlarging the war in Asia. Please do something.

NORMAN SUNDQUIST FAMILY.  
DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

I strongly oppose any involvement in Cambodia.  
Mrs. YALE DAVIS.

MINNEAPOLIS, MINN.  
Senator WALTER MONDALE,  
Washington, D.C.:

Having heard the address by the President I want you to know as one of your constituents that I support in essence the President's decision. I hope you will support him.

Sincerely,  
JOHN I. OWEN.  
DULUTH, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Strongly opposed extension of military involvement in Indo-China. Urgently request immediate and total withdrawal of all US troops. United Nations, not the U.S. should police the world. Priorities at home make this imperative. Since we are so deeply committed to ABM and MIRV programs it is criminal to disapear American lives in foreign wars. We demand Congressional action prerequisite to continuance or extension of involvement in Southeast Asia. Press for UN action in Southeast Asia.

DULUTH DEF. WOMEN.  
HAGER CITY, WIS.

Senator WALTER MONDALE,  
Washington, D.C.:

Get Vietnam war stopped. No military help for Cambodia.

MARY GWEN OWEN SWANSON.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

The Asian war must be stopped. Not escalated. The Senate must say no to Cambodia.

Mrs. JANET KAMPS.  
MINNEAPOLIS, MINN.

Senator WALTER F. MONDALE,  
Washington, D.C.:

While we cannot speak for the silent majority, we have no interest in maintaining a powerful image, saving face, or any of the other irrationalizations that have been used as justification for the continuation and extension of this war. The President's action in sending troops into Cambodia is reprehensible. We applaud your antiwar stand and trust that you will do everything possible to stop the President from pursuing this course of action.

SUE DEVRIES.  
PEGGY NEWTON.  
JANICE THYER.  
JANET KINNEY.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Please support the President on Cambodia.

Dr. and Mrs. RALPH R. GRAMS.

MOUND, MINN.  
Senator WALTER F. MONDALE,  
Washington, D.C.:

Nixon's action is a blatantly illegal executive usurpation of war making power. Our duly elected officials in Congress must prevent this destruction of our constitutional system.

PAT and FRED FREVERT.  
EDINA, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

President Nixon does not hear voice of silent majority who wish hope and pray to end Vietnam and its involvements we now have extension of this war so "we will not be humiliated we will not be defeated" wise men have swallowed pride and admitted defeat before and probably will again isn't there anything you as our elected representative can do or should the silent majority find out whether only voice heard is that of the striker anarchist rioter.

RICHARD B. BARNES.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We want our boys not our prestige no to Nixon.

The RICHARD SWANSON FAMILY.  
CANDY McDONALD.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Stop the President and the Generals.

HOWARD AND MARY ANN HUELSTER.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Violently opposed to entering Cambodia please stop President and end this war.

Dr. and Mrs. ERNEST M. HAMMES, JR.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Our absolute support in opposing Nixons foreign policy position in the expansion of war in Indochina.

JOHN E. HARRIS.  
BESSIE HARRIS.  
KAREN.  
JOHN.  
PALO ALTO, CALIF.

Honorable WALTER MONDALE,  
Washington, D.C.:

Preserve Senates integrity and national honor keep us out of Cambodia Minnesota voter at Stanford.

ROBERT I. FINK.  
St. PAUL, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

For God's sake stop Nixon's Indochina war now. We support all your efforts to restore sanity to U.S. foreign and domestic policy. The Administration's lack of reason, morality and responsibility warrants censure or if necessary impeachment.

Mr. and Mrs. PAUL S. HIGGINS.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

Get out of Cambodia as well as Vietnam.

Col. and Mrs. NAT WISSER.  
MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.:

We voters strongly urge you to continue your fight against Cambodian involvement.

Dr. and Mrs. F. E. FLYNN MICHAEL.

ST. PAUL, MINN.

Senator WALTER MONDALE  
Washington, D.C.

Can't we ever learn from our mistakes?  
Censure him.

Mr. and Mrs. RUSSELL HOBBS,  
Precinct Chairman, Falcon Heights Four.

MINNEAPOLIS, MINN.

Senator WALTER MONDALE,  
Washington, D.C.

We are appalled at the action of President Nixon of involving U.S. forces in Cambodia. This action is not only in direct contradiction to Senate, congressional and public view, but also to Nixon's own stated policy of disengagement from S.E. Asia.

We encourage your support of Senate moves for immediate disengagement of U.S. forces from Cambodia.

Bruce Hanson, Leroy Curwick, Kay Curwick, Tim Callaghan, Donald Kulst, Ron Bennett, Kathryn Bennett, Jon Zbasnik, Paul Tamm, Tie Hutchinson, Lie Toth, Lanny Schmidt, Leroy Clauenna, Douglas Stone, Robert Carr, Howard Hickman, Richard Minday, Edward Conway, Departments of Metallurgical, Mineral, and Chemical Engineering, University of Minnesota at Minneapolis.

EDINA, MINN.,

May 1, 1970.

Senator WALTER F. MONDALE,  
Washington, D.C.:

We disagree completely with Nixon's speech of this date.

Dr. and Mrs. EDWARD G. HUSTAD.

MANKATO, MINN.

May 1, 1970.

Senator WALTER MONDALE,  
Washington, D.C.:

Please do all in your power to stop expansion of war in Cambodia and to end American involvement in Viet Nam. The President's speech and announced military plans are a profound threat to democracy in the United States and to world peace.

JANE and JOHN FOSTER.

MINNEAPOLIS, MINN.,

May 1, 1970.

Senator WALTER MONDALE,  
Washington, D.C.

We adamantly oppose any U.S. involvement in Cambodia. Support any action you take to prevent same.

Respectfully,

Mr. and Mrs. STEVE WIETING.

ST. PAUL, MINN.,

May 1, 1970.

Senator WALTER MONDALE,  
Washington, D.C.:

I oppose the President's decision to enter Cambodia. Congress must end the war now.

Mrs. DONALD HAARSTICK.

ST. PAUL, MINN.,

MAY 1, 1970.

Senator WALTER MONDALE:  
Washington, D.C.:

We deplore the capitulation of President Nixon to the military industrial complex in their latest venture into Cambodia. We hope the Senate will demonstrate more wisdom.

Judge and Mrs. HYAM SEGELL.

ST. PAUL, MINN.,

May 1, 1970.

Senator WALTER MONDALE,  
Washington, D.C.:

There is a fourth option withdrawal from all Indochina and to hell with "our humiliation."

C. STEVENSON.

MINNEAPOLIS, MINN.,

May 1, 1970.

Senator WALTER MONDALE,  
Washington, D.C.:

'Congratulations. Tonight we are very proud of our President. An American first and a politician second. A man with the courage to tell his countrymen, and the world, that the time has arrived when Americans will stand and be counted.'

Mr. and Mrs. L. A. ELSTAD.

Mr. CHURCH. Mr. President, I want to say to the distinguished Senator from Minnesota that I appreciate his contribution. My experience is the same. As early as yesterday morning, my office received a telegram from my own hometown of Boise, Idaho, with more than 250 signatures on it which, in the matter of an hour or two, had been pulled together and sent to me.

The word from home keeps coming in much the same way as the Senator from Minnesota has described the reaction from his State.

Mr. JORDAN of Idaho. Mr. President, for the first time since Vietnam hostilities began, the President has launched a bold new offensive to strike the enemy headquarters sanctuary and staging centers across a border that for 5 long years has been neutral in name only. By so doing, he has broadened the war for the purpose of saving the lives of American soldiers already committed to action in South Vietnam.

I am in full agreement with his stated objective. Without better information than is now available to me I cannot challenge his judgment. For this reason, I have no other choice but to support him for a reasonable time, but I do it sadly and with great reluctance. If I am less than enthusiastic it is because too often in the past 5 years we have been led down the primrose path of hope only to end in deeper involvement and greater disaster.

It has been evident for some time that neither side can be victorious in this miserable war. It has become a nightmare that haunts us day and night and threatens the unity of our Nation. In lives and treasure the cost is too great to long endure. I hope and pray that the President's judgment will be vindicated by early achievement of his stated objective, that is, to shorten the war and save the lives of Americans.

Fifteen months ago President Nixon became Commander in Chief. He inherited a war that was hopelessly bogged down with an insatiable demand for more men and more money. He has reversed that trend. American troops are coming home. Steadfastly and surely he has implemented a course of disengagement. On the basis of that record and in furtherance of that objective he is entitled to more time.

Mr. ANDERSON. Mr. President, I listened with great interest to President Nixon's speech concerning Cambodia last night. His remarks correctly emphasized the grave nature of the decision to send thousands of American troops into Cambodia. I know it was an agonizing decision to make, and I sympathize with the President for having to make it.

But I simply cannot give my assent to U.S. military intervention in Cambodia. If Vietnam has taught us anything, it is that seemingly small, temporary decisions become escalating commitments. Once on the slippery slope of war in Asia, it is almost impossible to climb out. Deepening involvement in a wider Indochinese war, just as we are wisely disengaging from Vietnam, would be a grave mistake and a tragedy.

It is rare that I speak out on international issues, Mr. President. I am not and do not pretend to be an expert on the complex affairs of Southeast Asia. It is my duty, however, to speak out clearly and strongly when our Nation is embarking on a new, dangerous, and potentially very tragic course. I speak with compassion—for the President and his advisers, and for American soldiers in Asia—but I also speak with conviction. If I were to remain silent, I would not be fulfilling my obligation to the people of my State and this Nation.

While I do not intend to address myself to specific aspects of the war in Indochina, I feel compelled to point out several general issues relating to the American involvement there.

First, it should be noted that President Nixon's speech contained several fallacies and contradictions. The President stated that the raid by American troops on sanctuaries was essentially a defensive measure to protect the continued success of the Vietnamization program. It is a contradiction to call a rather large offensive operation, in another country, a defensive measure for troops in Vietnam. We can and should take defensive actions to protect American soldiers in Vietnam, but it is quite a different thing to introduce thousands of offensive troops into Cambodia for this purpose.

Second, that large intervention into Cambodia could have the undesirable and eventually tragic effect of causing the North Vietnamese soldiers now in the sanctuaries to divert their attention to Phnompenh, the capital of Cambodia. Then we could, and undoubtedly would, be called upon to provide even more extensive aid to that Government than has already been the case. The call for assistance would be a difficult one to resist, once American troops already were fighting in Cambodia. The Government in Cambodia is a new one, it came to power through undemocratic means, and it certainly cannot be said to have the full support of the Cambodian people. We must not find ourselves in the untenable position of having the Cambodian regime as a client state of the United States, one in which we have a vested interest. But that is the course upon which we are embarked.

Third, it must be said that President Nixon is deluding himself—or is being deluded by his advisers—if he believes the massive raid on Cambodian sanctuaries can be a clean, fast, surgical military operation. Another thing we have learned, or at least should have learned, from Vietnam is that land operations in the jungles of Asia are never clean, fast, and

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surgical. War in Asia is like quicksand. It drags down and entraps the well-meaning as well as those we regard as the enemy. It is tempting to believe that a quick raid into heretofore forbidden territory would hasten the end of the Asian conflict, but, sadly, Vietnam has taught us that this cannot be. The President may well believe that the actions he announced are temporary and moderate, but the risks of wider involvement are grave and cannot be ignored.

Fourth, it is time to raise the constitutional question. The Congress, as almost all of us now agree, was remiss in its duties by allowing the executive branch alone to engage the United States so deeply in Vietnam in the absence of a declaration of war. I am as blameworthy as anyone, Mr. President, and I certainly do not intend to plead a case here. I am simply saying that, with this as with other issues, Vietnam should have taught us a lesson. The effect of President Nixon's decision was to commit thousands of American soldiers to offensive action in Cambodia. To contend that we are scrupulously respecting Cambodia's neutrality does not change the facts. Our actions belie the words. It could well be that the Congress would, once examining the facts, decide that a declaration of war would be necessary. I doubt very seriously that it would, but it is possible. In the meantime, however, this has not occurred. And so I believe we should respond very alertly to the constitutional issue involved, and not continue to abrogate our constitutional responsibility.

Finally, Mr. President, I am gravely concerned about our own country. I fear that a wider land war in Asia—whether declared or not, but especially if not—will further aggravate the tensions in the United States and worsen the climate of violence.

Let me reiterate that I sympathize with President Nixon. I fully recognize that he is under intense, conflicting pressures. Only the President himself can fully realize the intensity of those pressures, and only he can cope with them. But our great, enduring Constitution requires that we, the elected representatives of the people, share with the executive the grave issues of war and peace. We cannot embark on a unilateral, offensive military intervention in Cambodia. In that decision lies the seeds of a wider, more bloody conflict throughout Indochina.

Mr. INOUE. Mr. President, I know it is the prayer of every American that the new course, upon which the President has now embarked our Nation in Indochina is a correct one. This is a prayer which I share deeply and fully. As a Member of the U.S. Senate and as an American citizen, I want very much to support my President, particularly on an issue of such magnitude in these trying times.

But if the experience of this past decade has within it any lessons—particularly for the Congress—for those of us who are fixed with some direct responsibility for the conduct of our Nation's foreign policy—then we must recognize the act on that higher responsibility to our Nation's welfare. This is too impor-

tant a matter to leave to those who demonstrate in the streets. We cannot abdicate our responsibility.

I, therefore, respectfully announce that I cannot support the President's decision to widen the war. I deplore the President's decision to launch an American attack into Cambodia. I regret and disagree with his decision to send material to the troops of Lon Nol. This decision makes a sham of our policy of Vietnamization—of our policy to disengage and withdraw troops from Vietnam. It destroys our hopes for reduced draft calls. And worst of all it adds as yet untold numbers to the more than 41,000 young Americans who have died in combat to date in this longest war in our history.

The President's words and actions must make us doubt our ability to learn from the past. These are the same arguments which were summoned forth in sending advisers to South Vietnam a decade ago. These are but a repetition of what we heard when advisers became combat divisions. It is but a reiteration of the voices which were raised in justification of the bombing of North Vietnam. Must each American President learn anew from the experience of his own administration?

Our President's message of April 30 indicates that this may be so. With this message he opened another and even more dangerous chapter in the tragedy of our involvement in Indochina. History shows that this involvement came in a three-step phase. First, American advisers were sent to assist the South Vietnamese. Second, with the Tonkin Gulf resolution, our President requested of the Senate the authority to deploy American combat troops into Vietnam. This measure met with the overwhelming support of the Senate, with only two Senators voting against it. Third, was the bombing of North Vietnam. The war escalated and still there was no victory in sight and President Johnson then moved to deescalate the war.

And now, President Nixon has opened a new phase of this tragedy, with one fell swoop, by announcing this expansion of the conflict and our involvement in it to Cambodian soil. Not only were American advisers being used in an attack on Cambodia but American troops were also being deployed for this purpose.

With this announcement, our President presented us with a fait accompli. His announcement was made without prior consultation with the Senate, much less its approval. In fact, only a few days ago while plans were being made to send our troops into Cambodia and some men were dispatched on this mission, our Secretary of State sat before the Senate Foreign Relations Committee and assured its members that the administration had no plans to become embroiled in the Cambodian conflagration.

By his act President Nixon has now renounced his own statement of policy and purpose of last November. This is no longer a war to be curtailed, contained or settled politically. This is now once again a war for military victory.

The President justifies his action as necessary to prevent the defeat and humiliation of our great Nation. Frankly, what is so wrong with a great people

swallowing some pride and admitting mistake? What is the test to true greatness? Is it to continue and expand a bankrupt policy? I think not. I pray not.

Can we possibly achieve peace by insisting that it is Hanoi, and China, and the Soviet Union, which must acknowledge defeat and admit humiliation? I think not.

If we are to be true to ourselves—to our highest ideals—we must be big enough to place the peace of the world and the saving of human life above saving face. We must be willing to admit error and so adjust our policy. For neither our conscience nor the conscience of mankind will permit us to use our awesome weapons of war which will be essential if we insist on military victory and expand this conflict to that end.

I shall, therefore, exert my every effort to try to bring an early end to this new involvement.

LET US GIVE THE PRESIDENT A CHANCE

Mr. BENNETT. Mr. President, again, last night, we witnessed the heavy and almost indescribable burdens of the Presidency. In his role as Commander in Chief of the U.S. military forces, President Nixon was required to make an historic and agonizing decision. It will not be popular and it will complicate even further the chaotic domestic political situation.

Nevertheless last evening I gained a new and a deeper respect for President Nixon. He exhibited to this Nation a dramatic "profile in courage."

Based upon information available only to him, President Nixon decided, over a period of several days, that American lives would be increasingly threatened by North Vietnam and Vietcong buildups in sanctuaries located in Cambodia, just over the South Vietnam border. He correctly determined that to allow this buildup to continue would be a serious threat to his Vietnamization efforts and to American fighting men in South Vietnam. The President realized the need for decisive action.

For more than 2 years this Nation has deescalated the war in Vietnam. We have stopped all bombing north of the 17th parallel. We have withdrawn nearly 100,000 troops. We have done more than should be expected from a world power desiring of peace. Parenthetically, I should point out that North Vietnam has failed to take any similar action; and in the days and weeks ahead, when the President is denounced at home and abroad by his opponents and by his enemies, I recommend that all Americans remember that fact.

For 2 years the United States has been saying, "I am scaling down the war; I am meeting, in part, the demands of the enemy." And, in the process, we have been saying if you do not negotiate, I will continue to deescalate. That has always struck me as being a strange way to deal with an aggressive nation.

Now the President has put Hanoi on notice that if they do not negotiate and if they continue to ignore the peace initiatives of the United States, they cannot expect further capitulation.

I personally believe President Nixon



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has enhanced the possibility of serious negotiations. If, on the other hand, Hanoi fails to get that message, they must suffer the consequences.

There has been some criticism aimed at the President, charging that he has violated the neutral rights of Cambodia. Until the time when Prince Sihanouk was replaced in Cambodia, the allied powers respected the neutrality of that nation as it was created in the 1954 Geneva accords. We paid dearly for that respect of neutrality because for many years North Vietnam has violated the Geneva accords in this respect, as well as the 1962 agreement making Laos a neutral state. The Communists have transported their troops and supplies through these neutral nations to be gathered in sanctuaries for later use against American and allied personnel. The Communists returned to these sanctuaries for retraining and to treat their wounded and to resupply. For many years we followed those Communist forces to the border and then stood helplessly by while they prepared further attacks almost within the view of our forces. After the fall of Prince Sihanouk, the situation in Cambodia became precarious. The Communists not only are threatening the capital of Cambodia, but they are in a position to use these sanctuaries along South Vietnam's border as never before.

President Nixon has fully recognized this threat, and he wisely has decided not to wait until it became a reality in the form of new and intensified attacks on allied positions and personnel. I feel it would be the height of irresponsibility for the Commander in Chief to stand by any longer while these sanctuaries are improved and broadened by the North Vietnamese Government. We have not violated the neutrality of Cambodia. It has been violated long and extensively by the Communists, and I believe this Nation has a right with its allies to deny these privileged sanctuaries to the enemy.

There has been and will be a great deal said about the President's right to do this. He has assured us this is not an invasion of Cambodia per se, nor is it a widening of the war into other nations, as has been alleged. The President stated that after the sanctuaries have been cleaned out American personnel will return behind the borders of South Vietnam. I believe the President of the United States not only because I accept Richard Nixon as an honest President, but because I believe when a man lays the office of the Presidency on the line and the fate of his own political party, he is not playing games with the truth. There is, at this time, a great deal of consternation about why the President never consulted the Congress. The Senate is the greatest deliberative body in the world, and in most cases it must be consulted. Unfortunately, it also can be one of the leakiest bodies in the world. Had the President called in the Congress, there is a good chance that the element of surprise so vital to the success of this operation would have been lost. The President is the only man with all of the facts available to him. He has determined that an attack on the Communist headquarters and other sanctuaries is neces-

sary. This is basically a tactical decision by the Commander in Chief. I frankly do not view it as a decision requiring congressional approval. I am somewhat encouraged that President Nixon is weighing carefully the advice of his military experts. For too long in the previous administration military criteria were not given the necessary consideration.

The President has assured the country that this operation will be ended as soon as possible and that he has no intention of sending American troops into Cambodia on a permanent basis, nor does he have any intention of occupying any real estate.

In closing, I would like to say also that we face in America a time of serious crisis. I do not support, I am not in sympathy with the protest movements that are systematically destroying some of our great universities and decaying many of our institutions. I do believe, however, that many of the goals of our young people are commendable, and we have much to do at home. I think we can better succeed in improving the quality of American life if we can end the Vietnam war honorably and as early as possible.

I call upon all Americans, and particularly the people of Utah, to stand behind our President.

I think one of the proudest moments in our history was in October 1962 when our youngest President faced the crisis that became the Cuban missile situation. For several days, in spite of the decisions and factors that led to that crisis, almost all Americans stood behind John F. Kennedy and party differences were forgotten. At a time when a courageous decision was made, the President had the support of the people.

I will stand behind my President now because he is my President and the Commander in Chief of the military forces of this Nation. Let us give him a chance.

#### THE CAMBODIAN INVASION—A MONSTROUS MISTAKE

Mr. WILLIAMS of New Jersey. Mr. President, like millions of other Americans, I was shocked by President Nixon's announcement that American combat troops have attacked across the Cambodian border.

This operation is a monstrous mistake which could have tragic consequences for the United States. It is wrong, it is indefensible, and it should be ended immediately.

American military forces are now involved in a full-scale combat operation within the borders of a country we previously recognized as neutral.

We have no military treaty commitments to Cambodia. The Government of that country has not asked us to commit our fighting men. It is very difficult to see how it is in any way in our national interest to fight in Cambodia. Yet, we are there.

Our actions amount to an invasion. No amount of far-fetched arguments can change the fact that we have sent American troops, uninvited, into a sovereign nation. This cannot be explained away, and it cannot be justified.

There is no question that this action represents a major broadening of the war. Whereas yesterday we were fighting

a Vietnam war, today we are fighting an Indochina war. What will tomorrow bring?

The events of yesterday seem like a nightmare. It is a nightmare we have lived through before. I cannot believe we are being asked to live through it again.

It will do no good for the administration to label our invasion of Cambodia a "surgical strike" or a "counterattack" or a "one-shot" operation.

The truth is that the Cambodian operation represents a deliberate escalation of the war in Southeast Asia.

The truth is that this Cambodian intervention, if allowed to continue, can commit our country to fight and endless war throughout Indochina.

The truth is that President Nixon has reversed whatever slight movement existed toward disengagement of American troops from Southeast Asia.

Mr. Nixon's attempt to justify his actions through a direct appeal to the American people was dramatic. It was also irrelevant.

The emphasis he put on politics, on the question of whether he would be a one-term or a two-term President, should have had no place in a discussion of major new military action.

The politics of a situation is not a consideration that should go into making a judgment involving the lives of American fighting men.

The arguments Mr. Nixon advanced to justify the military escalation were not new. They have been advanced by some generals for the past 5 years.

But even President Johnson, while tragically escalating our role in Vietnam, did not allow himself to be convinced that it was in our interest to invade Cambodia.

Twice before this country's leaders have justified widening the war in Southeast Asia by saying the action was necessary to protect our troops. Each time it led only to the deaths of thousands of additional American fighting men.

This argument is no longer acceptable. There is only one certain way to protect the lives of our troops in Vietnam, and that is to bring them home.

I believe President Nixon has abandoned his promise to end, as quickly as possible, the war in Vietnam. That promise led many Americans to place their faith in Mr. Nixon, and now they are shocked, frustrated, and bitter over his actions.

Telephone calls and telegrams have been pouring into my office without interruption since word of the Cambodian invasion first reached us.

They have been virtually unanimous in their indignation over the President's actions and their insistence on an immediate halt to the Cambodian operation. I am sure the situation has been the same in the office of every other Member of Congress.

A couple in Clifton, N.J. wired they were "outraged" over the "Cambodia escapade."

A man in Newark pleaded:

For God's sake, keep us out of Cambodia.

And a man from Arlington, N.J. said:

The actions of Washington at this hour are beyond the comprehension of reasonable men everywhere.

Mr. President, I agree. This Cambodian intervention is beyond the comprehension of reasonable men.

Just 10 days ago Mr. Nixon told us, in relation to Vietnam:

We finally have in sight the just peace we are seeking.

Today, we have lost sight of that peace.

I implore President Nixon to call an immediate halt to the Cambodian invasion. The American people are sick of this endless war in Southeast Asia. They are sick of seeing their sons sucked into the jungle on the other side of the world.

The American people want peace, not a new war. I cannot believe the President will ignore the overwhelming sentiment of the people. I fervently hope he does not.

#### AMENDMENT OF SECTION 3006A OF TITLE 18, UNITED STATES CODE

Mr. HRUSKA. Mr. President, on yesterday, the Senate passed S. 1461, the Criminal Justice Act. One of the amendments made by the committee had inadvertently not been entered in the text of the bill. It appears in the report. It is in the minutes of the committee. It is the desire of the committee and the managers of the bill to correct that situation.

I ask unanimous consent, therefore, that the vote by which S. 1461 was passed yesterday be reconsidered, together with the third reading of the bill, and that the bill be amended on page 15, line 9, to strike out the figure "\$20" and insert "\$30", and that the bill as thus amended be passed.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection? The Chair hears none, and it is so ordered.

The bill (S. 1461), as amended, read the third time, and passed, is as follows:  
S. 1461

An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That (a) subsections (a)-(f) of section 3006A of title 18, United States Code, are amended to read as follows:

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation, (2) who is under arrest, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or, (4) for whom the Sixth Amendment to the Constitution or any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate de-

fense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

(1) attorneys furnished by a bar association or a legal aid agency; or

(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) APPOINTMENT OF COUNSEL.—Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) PAYMENT FOR REPRESENTATION.—

"(1) HOURLY RATE.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding \$30 per hour for time reasonably expended and shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed \$1,000 for each attorney in a case in which one or more felonies are charged, and \$400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed \$1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed \$250 for each attorney in each proceeding in each court.

"(3) WAVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished excessively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APPELLATE COURTS.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) SERVICES OTHER THAN COUNSEL.—

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed \$150 and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed \$300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

"(f) RECEIPT OF OTHER PAYMENTS.—Whenever the United States magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

"(g) DISCRETIONARY APPOINTMENTS.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

"(h) DEFENDER ORGANIZATION.—

"(1) QUALIFICATIONS.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial council of each circuit.

"(2) TYPES OF DEFENDER ORGANIZATIONS.—

"(A) FEDERAL PUBLIC DEFENDER ORGANIZATION.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. The organization shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of

the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

"(B) COMMUNITY DEFENDER ORGANIZATION.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States:

"(i) receive an initial grant for expenses necessary to establish the organization; and  
 "(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section."

Sec. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by the first section of this Act if such commissioner had authority to perform such power, function, or duty prior to the enactment of such amendments.

Sec. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANSFIELD, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 64. A concurrent resolution to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States (Rept. No. 91-834).

By Mr. ANDERSON, from the Committee

on Aeronautical and Space Sciences, with an amendment:

H.R. 16518. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 91-833).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia (Rept. No. 91-836).

By Mr. SPONG, from the Committee on the District of Columbia, with an amendment:

S. 2820. A bill to amend title II of the act of September 19, 1918, relating, relating to industrial safety in the District of Columbia (Rept. No. 91-835).

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BENNETT (for himself, Mr. COOK, and Mr. SMITH of Illinois):

S. 3788. A bill to amend the Coal Mine Health and Safety Act of 1969 to provide a period during which violations of health and safety standards promulgated thereunder may be corrected without the imposition of a civil penalty, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. BENNETT when he introduced the bill appear later in the Record under the appropriate heading.)

#### S. 3788—INTRODUCTION OF A BILL TO AMEND THE COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. BENNETT. Mr. President, on December 30, 1969, the Federal Coal Mine Health and Safety Act of 1969 became law. This act was the culmination of several years of endeavor by the Interior Department, the coal industry, the United Mine Workers Union, and the Congress, and represented a tremendous step toward assuring the health and safety of the individual coal miner.

By the act, Congress charged the Department of the Interior with enforcement of its provisions, and the Department has relegated that function to the Bureau of Mines. However, in its enforcement of the act, the Bureau of Mines has brought to the surface several inherent defects in this act. It is those defects which I now seek to correct.

The Federal Coal Mine Health and Safety Act contains a countless number of explicit provisions governing the working conditions of this Nation's coal mines. It specifies, in great detail, the goals to be achieved, the equipment to be used in furthering the health and well-being of the coal miner, the permissible levels of coal dust in a cubic meter of air, the fines to be levied for noncompliance, and the appeals process by which the individual mine operator can appeal those penalties levied against him. In specifically stating all of these things, the Congress was performing its constitutional function. But it now appears that we may have been over-zealous.